

By Mr. HILL of Maryland: A bill (H. R. 12575) granting a pension to Mary Kotwall; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 12576) for the relief of F. D. Richardson; to the Committee on Naval Affairs.

Also, a bill (H. R. 12577) for the relief of Farrah Dane Richardson; to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 12578) granting a pension to Stella M. Watkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12579) granting an increase of pension to Mary E. Beal; to the Committee on Invalid Pensions.

By Mr. KVALE: A bill (H. R. 12580) for the relief of Melvin Gordon Eldred; to the Committee on Naval Affairs.

By Mr. LINEBERGER: A bill (H. R. 12581) granting an increase of pension to Frances A. Robinson; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 12582) granting an increase of pension to Sarah A. Stiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12583) granting an increase of pension to Mary J. Hines; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12584) granting an increase of pension to Jane R. Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12585) granting an increase of pension to Emma C. Waldron; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 12586) granting an increase of pension to Mary J. Swart; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 12587) granting an increase of pension to Margaretta Lubbock; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 12588) granting an increase of pension to John Peron; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12589) granting an increase of pension to Emma J. Mawhirter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12590) granting an increase of pension to Elizabeth Clark; to the Committee on Invalid Pensions.

By Mr. SPEARING: A bill (H. R. 12591) for the relief of Alvin Hovey-King; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2331. By Mr. CONNERY: Resolution of the members of Trinity College, Washington, D. C., protesting the expulsion from Mexico of Archbishop Caruana, an American citizen; to the Committee on Foreign Affairs.

2332. By Mr. FREDERICKS: Petition of residents of the tenth district, California, favoring the passage of House bill 5583; to the Committee on Immigration and Naturalization.

2333. By Mr. GALLIVAN: Petition of Emma Forbes Ware Tent, No. 57, Daughters of Veterans, Massachusetts Department, Viola E. Starkey, secretary, 1205 Morton Street, Mattapan, Mass., recommending early and favorable consideration of the Elliott pension bill; to the Committee on Invalid Pensions.

2334. By Mr. MORROW: Petition of Rio Grande Council of Boy Scouts of America, P. V. Thorson, scout executive, Albuquerque, N. Mex., indorsing game refuge bills (S. 2607 and H. R. 7479); to the Committee on Agriculture.

SENATE

THURSDAY, June 3, 1926

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father and our God, we again approach the mercy seat with a full assurance of audience with Thee. Thou hast been gracious under all circumstances in the leadership of our lives. We beseech of Thee this morning that with the consciousness of Thy presence we may be enabled to engage in the duties of this day to the glory of Thy name. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without

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amendment the following bills and joint resolution of the Senate:

S. 565. An act limiting the creation or extension of forest reserves in New Mexico and Arizona;

S. 674. An act granting certain lands to the city of Kaysville, Utah, to protect the watershed of the water-supply system of said city;

S. 2703. An act to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes;

S. 3072. An act to authorize an exchange of lands between the United States and the State of Nevada;

S. 3268. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Bowdoin, Mont.;

S. 4055. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 4261. An act relating to patents issued pursuant to decrees of the Court of Private Land Claims; and

S. J. Res. 46. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object and to the enactment of such laws and regulations as may be necessary to carry the same into effect.

The message also announced that the House had passed the following bills and joint resolution of the Senate severally with amendments, in which it requested the concurrence of the Senate:

S. 675. An act granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city;

S. 4251. An act to amend and supplement the naturalization laws, and for other purposes; and

S. J. Res. 71. Joint resolution authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and making provision for the same.

The message further announced that the House had passed a bill and concurrent resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 11848. An act to authorize the settlement of the indebtedness of the French Republic to the United States of America; and

H. Con. Res. 26. Concurrent resolution directing the Comptroller General of the United States to investigate the administration of St. Elizabeths Hospital since July 1, 1916, and for other purposes.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2820. An act for the relief of José Louzau;

S. 3931. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio;

H. R. 8489. An act to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama; and

H. R. 10312. An act to authorize the disposition of lands no longer needed for naval purposes.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Jones, N. Mex.	Pepper
Bayard	Ferris	Jones, Wash.	Phipps
Bingham	Fess	Kendrick	Pine
Blease	Frazier	Keyes	Pittman
Borah	George	King	Ransdell
Bratton	Gerry	La Follette	Reed, Mo.
Broussard	Gillett	Lenroot	Reed, Pa.
Bruce	Glass	McKellar	Robinson, Ark.
Butler	Goff	McLean	Robinson, Ind.
Capper	Gooding	McMaster	Sackett
Caraway	Greene	McNary	Schall
Copeland	Hale	Mayfield	Sheppard
Couzens	Harrell	Means	Shipstead
Cummins	Harris	Metcalf	Shortridge
Curtis	Harrison	Neely	Simmons
Deneen	Heflin	Norbeck	Smoot
Dill	Howell	Oddie	Steck
Edge	Johnson	Overman	Stephens

Swanson
Trammell
Tyson

Underwood
Wadsworth
Walsh

Warren
Weller
Wheeler

Williams
Willis

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. EDWARDS presented a letter in the nature of a memorial of the National Council of Catholic Women of St. Augustine's Parish, Union City, N. J., protesting against "the severe and intensive persecution of the Catholic Church in Mexico," which was referred to the Committee on Foreign Relations.

Mr. PEPPER presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (S. 66) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6728) to regulate in the District of Columbia the traffic in, sale, and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception, and for other purposes, reported it without amendment and submitted a report (No. 987) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 3918) for the relief of Robert R. Bradford, reported it without amendment and submitted a report (No. 988) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 3592) for the relief of Johanna B. Weinberg, reported it without amendment and submitted a report (No. 989) thereon.

Mr. SACKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 4375) to change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway, reported it without amendment and submitted a report (No. 990) thereon.

FRENCH SPOILATION CLAIMS

Mr. HOWELL, from the Committee on Claims, submitted the views of the minority on the bill (S. 62) for the allowance of certain claims for indemnity for spoiliations by the French prior to July 31, 1801, as reported by the Court of Claims, which were ordered to be printed as part 2, Report No. 643.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 2820. An act for the relief of José Louzau; and

S. 3931. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 4390) to amend section 15a of the act to regulate commerce in respect to certain common carrier railroads, and for other purposes; to the Committee on Interstate Commerce.

By Mr. WADSWORTH:

A bill (S. 4391) for the relief of Charles E. MacDonald; to the Committee on Claims.

By Mr. HARRELD:

A bill (S. 4392) to repeal section 500 of the revenue act of 1926; to the Committee on Finance.

By Mr. CAPPER:

A bill (S. 4393) to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum; to the Committee on the District of Columbia.

By Mr. COPELAND:

A joint resolution (S. J. Res. 114) to amend the immigration act of 1924 by the repeal of the national origin provision; to the Committee on Immigration.

STORAGE OF WATERS OF PECOS RIVER

Mr. JONES of New Mexico submitted an amendment intended to be proposed by him to the bill (H. R. 3362) to provide for the storage of the waters of the Pecos River, which was referred to the Committee on Irrigation and Reclamation.

HOUSE BILL AND CONCURRENT RESOLUTION REFERRED

The bill (H. R. 11848) to authorize the settlement of the indebtedness of the French Republic to the United States of

America was read twice by its title and referred to the Committee on Finance.

The concurrent resolution (H. Con. Res. 26) directing the Comptroller General of the United States to investigate the administration of St. Elizabeths Hospital since July 1, 1916, and for other purposes, was referred to the Committee on the Judiciary.

TRUST FUND FOR INDIANS IN OKLAHOMA

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 71) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and making provision for the same, which were, on page 1, line 8, to strike out "Public Act No. 500, Sixty-seventh Congress," and insert "the act approved March 4, 1923 (42 Stat. L. p. 1448)"; on page 2, lines 7 and 8, to strike out "Public Act No. 500" and insert "act approved March 4, 1923 (42 Stat. L. p. 1448)"; and on page 2, to strike out all after "of," in line 12, down to and including "States," in line 23, and insert "the act approved February 25, 1920 (41 Stat. L. p. 437)."

Mr. HARRELD. I move that the Senate concur in the amendments made by the House. I will state that the amendments are only to this effect: In the joint resolution as passed by the Senate certain acts of Congress were referred to as numbered 500, and so on, and the House has changed the numbers so as to give the acts a different name. Those are the only changes. The amendments do not change the purport of the joint resolution.

The VICE PRESIDENT. The Senator from Oklahoma moves that the Senate concur in the amendments of the House.

The motion was agreed to.

AMENDMENT OF THE NATURALIZATION LAWS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4251) to amend and supplement the naturalization laws, and for other purposes, which were, on page 1, line 12, to strike out "and" and insert "or"; on page 2, line 17, to strike out "recommendation" and insert "recommendations"; on page 2, line 19, to strike out "findings" and insert "recommendations"; on page 2, line 20, to strike out "a duly" and insert "the"; on page 2, line 22, to strike out "or disapproved"; and on page 2, lines 23 and 24, to strike out "and shall subscribe" and insert in lieu thereof "by subscribing."

Mr. JOHNSON. Inasmuch as the amendments which have been made by the House are quite immaterial, I move that the Senate concur in the amendments.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had insisted upon its amendments to the bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SPROUL of Illinois, Mr. FOSS, and Mr. ROMJUE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 92) fixing postage rates on hotel-room keys and tags; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRIEST, Mr. KELLY, and Mr. BELL were appointed managers on the part of the House at the conference.

ANNIVERSARY OF BATTLE OF FORT MOULTRIE

Mr. FESS. Mr. President, from the Committee on the Library I report back favorably without amendment House Concurrent Resolution 28, and I call the attention of the Senator from South Carolina [Mr. BLEASE] to it.

Mr. BLEASE. I ask unanimous consent for the immediate consideration of the resolution. I have two amendments which I would like to submit.

The VICE PRESIDENT. Is there objection to the immediate consideration of the concurrent resolution?

Mr. JONES of Washington. Let it be read.

The VICE PRESIDENT. The clerk will read the resolution. The Chief Clerk read the resolution (H. Con. Res. 28), as follows:

Whereas June 28, 1926, will be the one hundred and fiftieth anniversary of the historic Battle of Fort Moultrie, Charleston, S. C., which was fought between the untried but resolute forces battling for

American rights and liberties on one side, and the organized and widely experienced forces of Great Britain on the other; and

Whereas said Battle of Fort Moultrie resulted in glorious victory for the cause of America, thus heartening her people and encouraging her Representatives in Congress assembled in the city of Philadelphia to take the fateful step of declaring that, "the States are, and of right ought to be, free and independent on July 4, 1776"; and

Whereas said victory and said Declaration of Independence are thus forever linked as mighty factors in bringing about our national freedom that has since so marvelously blessed America, and through America is blessing and bettering the world; and

Whereas it is entirely proper and fitting that such epoch-making events of our country's history should be impressively brought to our minds by conspicuous celebrations; and

Whereas it is appropriate that the Congress of the United States should recognize June 28 next as the one hundred and fiftieth anniversary of this memorable battle which is of such great historical interest and importance to the entire country: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That there be a committee of Congress consisting of 10 Members, 5 of whom shall be appointed by the Presiding Officer of the Senate and 5 by the Speaker of the House, to join and participate in said celebration as representing the Congress of the United States in observance of the one hundred and fiftieth anniversary to be held in the city of Charleston, S. C., on the 26th, 27th, and 28th of June, 1926.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The VICE PRESIDENT. The clerk will report the first amendment sent to the desk by the Senator from South Carolina.

The CHIEF CLERK. On page 2, in line 9, after the numerals "1926," insert the following proviso:

Provided, That members of said committee shall be paid their actual expenses for the trip to Charleston, S. C., and return out of the contingent fund of the two Houses.

Mr. JONES of Washington. Mr. President, some time ago we had a resolution providing for the participation of Congress in a celebration in Virginia. Objection was made to a provision to pay the expenses of that delegation. I do not believe that we ought to make provision in this way. This will be a precedent that will come back to plague us hereafter. I have no objection to the adoption of the resolution in the shape it was adopted by the other House, but I do not feel that it ought to be agreed to if this amendment shall be incorporated in it.

Mr. BLEASE. Mr. President, if the Senator will allow me, I wish to call his attention to the fact that on page 8194 of the CONGRESSIONAL RECORD it will be found that the Williamsburg resolution as amended on motion of the Senator from Virginia [Mr. SWANSON], providing for the payment of expenses, was concurred in by the House of Representatives.

I will state, furthermore, that the entire expense will amount to very little. I hardly think it will exceed \$250.

I hold in my hand a small book which has just been published by Hon. J. Stokes Salley, of Orangeburg, S. C., in which is printed a photograph of the fort and in which it is stated that—

Fort Moultrie was named for Col. William Moultrie, who commanded the American forces on Sullivan's Island in the Revolutionary War. Here it was that Colonel Moultrie returned the fire of the British warships in November, 1775, and in June, 1776, the battle of Fort Moultrie was fought, resulting in an American victory. This fort also played a prominent part in protecting Charleston in the American Civil War. Osceola's grave lies near one of the walls of the fort. This fort is still used as a regular garrison for the United States Army.

The city of Charleston has made great preparations for this occasion; they have appointed a committee and arranged a program. It will be quite a setback to them if this resolution shall not be passed, and, in view of the small amount involved and also of the further fact that similar resolutions have carried appropriations, I ask the Senate to adopt this resolution with this amendment.

Mr. JONES of Washington. Mr. President, I am evidently mistaken in my idea that the other committee was denied an appropriation for expenses. I know the matter was brought up here, and I gained the impression that expenses were denied to that committee. It merely emphasizes, however, what I suggested a moment ago that this will be another precedent. Of course, if we provide for the expenses of such committees in one or two cases we can not refuse it in others. Some of these days we shall have some sort of a celebration on the Pacific coast, and I, of course, shall expect a committee to

make a nice trip out there and have their expenses paid. So, under the circumstances I shall withdraw my objection.

Mr. BLEASE. I appreciate the Senator's kindness.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The next amendment will be stated.

The next amendment was, on page 2, line 3, after the word "Members," to insert the words, "and the Vice President, who shall be ex officio chairman of the committee."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

CAPITAL STOCK OF BIDDERS FOR MUSCLE SHOALS PROJECT

Mr. McKELLAR. Mr. President, I ask unanimous consent for the immediate consideration of Senate Resolution 236. I will state that I have consulted with the Senator from Illinois [Mr. DENEEN] and the Senator from Kentucky [Mr. SACKETT], and they have no objection to the consideration of the resolution.

Mr. CURTIS. Mr. President, I have no objection to the consideration of the resolution, but I think we ought to have the regular order. This resolution may be reached and considered at the conclusion of routine morning business, as resolutions of this kind ordinarily are. I do not object at this time, but I think we ought to go on with the regular order.

The VICE PRESIDENT. The clerk will read the resolution referred to by the Senator from Tennessee.

The Chief Clerk read the resolution (S. Res. 236) submitted by Mr. McKELLAR, May 29, 1926, as follows:

Resolved, That the Joint Committee on Muscle Shoals, heretofore appointed under House Concurrent Resolution No. 4, be, and they are hereby, requested to report to the Senate the amounts of the capital stock in the Muscle Shoals Fertilizer Co. and in the Muscle Shoals Power Distributing Co., which have heretofore put in bids for Muscle Shoals, where they are incorporated, and in what proportion the several stockholders in said companies, set out on page 191 of the committee's report, own stock in said corporations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARRISON. Mr. President, I have no objection to the consideration of the resolution, but I hope the Senator from Tennessee will accept an amendment which I think ought to be in the resolution; that is, to add at the end of the resolution the words "that the committee report also a copy of whatever agreement exists, if there is one existing, between the American Cyanamid Co. and the Union Carbide Co."

I suppose the Senator from Tennessee will have no objection to adding that amendment to the resolution.

Mr. McKELLAR. If the Senator from Mississippi will offer that as an amendment, I shall make no objection to it.

Mr. HARRISON. I move, then, at the end of line 9 of the resolution to add the words:

The committee are further required to report a copy of any agreement or contract that may exist between the American Cyanamid Co. and the Union Carbide Co.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The resolution as amended was agreed to.

SENATORIAL EXPENSES IN CONTESTED-ELECTION CASES

Mr. KEYES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably four resolutions which were submitted by the Senator from Kentucky [Mr. ERNST] relating to expenses incurred in contested-election cases. I note that the Senator from Kentucky is not present, but I am sure he would like action taken at this time on the resolutions. So I ask unanimous consent for their immediate consideration.

SENATOR FROM IOWA—EXPENSES OF MR. STECK

The resolution (S. Res. 211) submitted by Mr. ERNST on April 28, 1926, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the appropriation for expenses of inquiries and investigations, fiscal year 1926, the sum of \$15,000 to Hon. DANIEL F. STECK for all expenses incurred, including attorneys' fees, in assertion of his right to a seat in the Senate resulting from the election in 1924 of a Senator from the State of Iowa.

PHILIP W. TURNER

The resolution (S. Res. 213) submitted by Mr. ERNST on April 28, 1926, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Philip W. Turner, for expert services as tabulator rendered the Committee on Privileges and Elections during the investigations of the election of Senators from the States of Texas and Iowa, \$1,800.

SENATOR FROM NEW MEXICO—EXPENSES OF MR. BRATTON

The resolution (S. Res. 234) submitted by Mr. ERNST on May 28, 1926, was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay to Hon. SAM G. BRATTON the sum of \$5,000 out of the appropriation for expenses of inquiries and investigations, fiscal year 1926, in full settlement of all expenses incurred, including attorneys' fees, in defending his right and title to the office of Senator from the State of New Mexico resulting from the election held in said State November 4, 1924.

SENATOR FROM IOWA—EXPENSES OF MR. BROOKHART

The resolution (S. Res. 212) submitted by Mr. ERNST April 28, 1926, and reported with an amendment by Mr. KEYES from the Committee to Audit and Control the Contingent Expenses of the Senate, was considered by unanimous consent, and was read, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for expenses of inquiries and investigations, fiscal year 1925, the sum of \$10,000 to Hon. Smith W. Brookhart for all expenses incurred, including attorneys' fees, in defense of his right to a seat in the Senate resulting from the contest of the 1924 election of a Senator from the State of Iowa.

The amendment was, on page 1, line 4, after the word "to," to insert "James G. Mitchell, attorney for."

Mr. BORAH. Mr. President, I notice that all these amounts are in even sums, \$5,000, \$10,000, and so on. I should like to ask the chairman of the committee how the committee arrive at the amounts? Do they simply make an estimate of what they think ought to be allowed, or are bills presented for the expenditures?

Mr. KEYES. Mr. President, I am sorry the Senator from Kentucky [Mr. ERNST] is not present. The information I have was obtained from that Senator. I understand, however, that these amounts have been determined by way of compromises. I understood from him that much more was asked for attorneys and that in final settlement the amounts in many cases were reduced one-half.

There may be some member of the Committee on Privileges and Elections who can answer the question, but the Committee to Audit and Control the Contingent Expenses of the Senate accepted the amounts as reported from the Committee on Privileges and Elections.

Mr. FESS. Mr. President, will the chairman of the committee yield to me for a moment?

Mr. KEYES. I yield.

Mr. FESS. The Senator will recall that the Committee to Audit and Control the Contingent Expenses has no authority to make any changes of any sort. That is why I think the committee ought to be given a little authority in these matters, or else it had better be discontinued.

Mr. BORAH. I think that is a good suggestion. I am simply interested to know—

Mr. GOFF. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. GOFF. I can state, as a member of the Committee on Privileges and Elections, that the several accounts which have been mentioned by the Senator from New Hampshire were submitted to the committee; that the items in each instance, except the one presented by Senator BRATTON, whose expenses exceeded the statement presented, were larger than they have now been reported; that the Committee on Privileges and Elections considered very carefully the items of expense as set out in each and every case mentioned, except Senator BRATTON's, and finally unanimously cut down the amounts to the figures which were recommended to the Committee to Audit and Control the Contingent Expenses of the Senate for its approval. The amount requested by the Senator was approved as requested.

The VICE PRESIDENT. The question is on agreeing to the amendment to the resolution reported by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

EXPENSES OF SENATORIAL ELECTIONS INVESTIGATION

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back with an amendment Senate Resolution 227, submitted by the Senator from Missouri [Mr. REED], and I ask unanimous consent for

its present consideration. When this resolution was submitted the amount authorized to be expended was left blank for some reason. The amendment is in the last line of the resolution, to insert the figures "\$10,000."

The VICE PRESIDENT. The Secretary will read the resolution.

The Chief Clerk read the resolution (S. Res. 227) submitted by Mr. REED of Missouri on May 21, 1926, as follows:

Resolved, That the special Senate committee created pursuant to Resolution 195, agreed to the 19th day of May, 1926, hereby is authorized to employ stenographic assistance, at a cost not exceeding 25 cents per hundred words, to report such hearings and proceedings as may be had in connection with any subject which may be before said committee and such clerical or other assistance as may be deemed necessary by the committee, that all expenses incurred, including costs of travel by the committee or their assistants, in furtherance of the purposes of said resolution, shall be paid out of the contingent fund of the Senate upon vouchers properly approved. The costs of this investigation shall not exceed \$——.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was, on page 1, line 13, after the dollar sign, to insert "10,000."

The amendment was agreed to.

Mr. REED of Missouri. Mr. President, I wish to say to the Senate, as one member of the committee appointed to conduct the investigation under the resolution, that I hope the committee will not have to spend any such sum as is named. It is, however, entirely possible, owing to the scope of the resolution, that the committee, before Congress shall again convene, will find itself confronted by a volume of work that will require us to expend in excess of the amount named. I take it, however, if an emergency of that kind shall arise, the committee will have to advance the expense and trust to the fairness of the Senate, upon a proper showing, to reimburse it.

I make that statement now rather as a matter of information to the Senate. My own opinion is that we will not need to expend \$10,000; but one can not tell in matters of this kind how far an investigation will extend.

Mr. HARRISON. Mr. President, may I ask the Senator how much did the investigation of campaign expenditures cost a few years ago?

Mr. REED of Missouri. Does the Senator refer to what was called the Kenyon committee?

Mr. HARRISON. Yes.

Mr. REED of Missouri. My present recollection is that the investigation in that instance cost about \$8,500. I understand also that what is called the Borah committee, which sat, I think, two years later, expended a much less sum. Of course, one can readily see that it is impossible to judge one situation by previous situations. For instance, we have just allowed \$26,800 to cover expenses in connection with the investigation of the title to the seat formerly held by Senator Brookhart. I have known contests to be carried on for much less, and I can imagine easily that other contests might cost more. What I am saying to the Senate now is said so that there may be some record of the fact that the statement has been made to the Senate that if the committee shall think that an emergency exists which requires action and the funds shall be exhausted, the committee may conclude to go ahead and trust to the fairness of the Senate to reimburse it.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

RESIDENT ASSISTANT CLERK OF DISTRICT COMMITTEE

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 205, submitted by the Senator from Kansas [Mr. CAPPER].

Mr. CAPPER. I ask unanimous consent for the immediate consideration of this resolution. It simply continues the present arrangement as to the assistant clerk of the Senate Committee on the District of Columbia, and does not in any way add to or change the present clerical force of the Senate.

The VICE PRESIDENT. The Secretary will read the resolution.

The Chief Clerk read the resolution (S. Res. 205) submitted by Mr. CAPPER on April 19, 1926, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That Senate Resolution No. 26, agreed to March 10, 1925, authorizing the Committee on the District of Columbia to employ a

resident assistant clerk until the end of the first session of the Sixty-ninth Congress, to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until the end of the Sixty-ninth Congress.

CHATTAHOOCHEE RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably without amendment House bill 11385, granting the consent of Congress to the Georgia-Florida Bridge Co. to construct a toll bridge across the Chattahoochee River at or near Neals Landing, in Seminole County, Ga.

Mr. HARRIS. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments House bill 7190, granting the consent of Congress to the Grandfield Bridge Co., a corporation, to construct, maintain, and operate a bridge across Red River and the surrounding and adjoining public lands, and for other purposes.

Mr. PINE. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in section 1, on page 2, line 3, after the word "Texas," to insert a comma and the words "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 13, 1906, and subject to the conditions and limitations contained in this act"; and on the same page, after line 3, to strike out sections 2, 3, 4, and 5, and to insert:

SEC. 2. There is hereby conferred upon the said Grandfield Bridge Co., a corporation, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Grandfield Bridge Co., a corporation, its successors, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Oklahoma, the State of Texas, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary

for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Grandfield Bridge Co., a corporation, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said Grandfield Bridge Co., a corporation, its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Grandfield Bridge Co., a corporation, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OHIO RIVER BRIDGE

Mr. BINGHAM. From the Committee on Commerce I report back favorably with amendments House bill 10352, to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; and at the request of the senior Senator from Indiana [Mr. WARSON], who is not able to be present, I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in section 1, on page 2, line 2, after the word "act," to strike out the balance of the section, as follows:

The construction of such bridge shall not be commenced, nor shall any alteration in such bridge be made either before or after its completion, until plans and specifications for such construction or alteration have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate from the standpoint of the volume and weight of traffic which will pass over it.

On the same page, after line 9, to strike out section 2, in the following words:

SEC. 2. The said States of Indiana and Kentucky are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

And on the same page, line 15, to change the section number from 3 to 2.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

POEM BY MR. C. B. GALBREATH

Mr. WILLIS. Mr. President, recently, on the occasion of some remarks which I made in this city, I quoted from the lines of a poem by Mr. C. B. Galbreath, of my State, in answer to the famous poem by Col. John McCrae, entitled "In Flanders Fields." Since that time I have had some inquiry as to the authorship of those lines. I desire to have printed in the Record a brief statement as to the authorship.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

The poem by Mr. Galbreath was written February 10, 1918, and was published on March 1 of that year. It has since been published

from Alaska to Coblenz, Germany. It gained wide currency in the newspapers in the summer and autumn of 1918. With McCrae's poem it was set to music by the well-known composer, Mentor Crosse. It has since appeared in six series of modern school readers, issued by leading schoolbook publishers of Philadelphia, Chicago, and Indianapolis. It has been included in a number of anthologies and serial publications. The literary editor of the New York Times book review has twice published his judgment that it is the best known of all answers to McCrae's great war lyric.

Hundreds of thousands of school children daily read this poem in their school readers.

The author of this poem is the father of Capt. A. W. Galbreath, of the Twelfth Engineers, who crossed the Atlantic on the *Carmania* at the same time that Gen. Charles Gates Dawes, now Vice President of the United States, went abroad.

Captain Galbreath was with the first American troops to march through London; that served with the British operations against Cambrai in 1917, and in the great German drive of the following year. He had active service until the close of the war.

I think the following statement by Professor Galbreath concerning the writing of this poem is worth preserving:

"IN FLANDERS FIELDS

"In Flanders Fields, by Lieut. Col. John McCrae, is the greatest poem called forth by the World War. It made the crimson poppy for all time the emblem and the memento of that mighty conflict.

"Colonel McCrae had seen on the western battle front great armies gradually melting away in the red whirlwind of war. As month after month and the year passed, with the awful toll of death and no decisive victory, he came to believe that the ultimate result must be the mutual destruction of the contending armies. With this thought and possibly the premonition of his approaching death in Flanders Fields, he wrote his immortal appeal that moved mightily our khaki-clad legions who took up arms to rescue a menaced world.

"McCrae's poem is the despairing cry, the resistless appeal of the dead and dying:

"In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing fly,
Scarce heard amid the guns below.

"We are the dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved; and now we lie
In Flanders fields.

"Take up our quarrel with the foe!
To you, from falling hands, we throw
The torch. Be yours to hold it high!
If ye break faith with us who die,
We shall not sleep, though poppies grow
In Flanders fields."

"It was suggested that I attempt to write an answer to this appeal. This I undertook to do with no thought that my lines would be published. The way they got into print is not a matter of public interest.

"Before writing a line I said to myself: 'If the Flanders dead could hear, what would be the most comforting thing that we could say to them?' My answer to my own question was, 'The most comforting thing that we could say to them would be that we would carry their "torch," their cause to triumph or make the supreme sacrifice and sleep with them in Flanders fields.'

"With that thought in mind I wrote the answer of the living—not my answer alone, but my conception of the answer of 4,000,000 American soldiers who were pressing forward to the theater of war, resolved that the graves of the Flanders dead should not be desecrated by the presence of a victorious foe:

"In Flanders fields the cannon boom
And fitful flashes light the gloom,
While up above, like eagles, fly
The fierce destroyers of the sky;
With stains the earth wherein you lie
Is redder than the poppy bloom,
In Flanders fields.

"Sleep on, ye brave. The shrieking shell,
The quaking trench, the startled yell,
The fury of the battle hell
Shall wake you not; for all is well.
Sleep peacefully, for all is well.

"Your flaming torch aloft we bear,
With burning heart an oath we swear
To keep the faith, to fight it through
To crush the foe or sleep with you
In Flanders fields."

ULRIC O. THYNNE

Mr. TYSON. Mr. President, I ask unanimous consent for the immediate consideration of House bill 3446. This is a bill for the payment to Ulric O. Thynne, of London, England, of the equivalent of £2,010 4s. 5d. in United States money for damages to a building which was occupied by the Navy Department during the World War, from July 16, 1917, to December 19, 1919. This bill has remained unpaid since 1919, and the Assistant Secretary of the Navy has requested me to bring this matter urgently to the attention of the Congress, in order that the bill may be paid. The House bill has been reported favorably from the Committee on Claims and appears to be just and proper and should be passed and the amount paid without further delay.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES M. HARRISON

Mr. HARRISON. Mr. President, there is on the table a bill coming from the House for the relief of Agnes M. Harrison. It carries only \$28. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives, which will be read.

The bill (H. R. 5507) for the relief of Agnes M. Harrison, postmistress at Wheeler, Miss., was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit to the account of Agnes M. Harrison, postmistress at Wheeler, Miss., the sum of \$28, being the amount paid on a forged money order for which she was in no way responsible and without fault or negligence on her part and for which amount her account was debited.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDRESS BY MAJ. GEN. HARRY TAYLOR, CHIEF OF ENGINEERS, UNITED STATES ARMY

Mr. SHEPPARD. Mr. President, Maj. Gen. Harry Taylor, Chief of Engineers of the War Department, who is soon to retire by virtue of having reached the retirement age limit after a distinguished and efficient career, delivered a very interesting address on the evening of May 19 at a dinner here in his honor, given by Hon. J. Hampton Moore, president of the Atlantic Waterways Association. I ask that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

I am very sorry that I do not have the ability as an orator that my good host has, so that I could more adequately express my appreciation of the very great honor that you have shown me in giving your time to come to this dinner.

The rewards of an Army officer are not great measured in this world's goods, but he does get a reward in the satisfaction of work honestly done to the best of his ability, and when his work meets with sufficient approval from those with whom he has come most in contact to bring out such an expression of good will as is shown by your presence here, I can assure you that his reward is great indeed. This gathering will be something that I shall always remember with the deepest gratitude.

It has been my good fortune to be associated with river and harbor work for the greater part of my service. I say good fortune because I thoroughly believe that an engineer officer's association with the river and harbor work is of great benefit to him professionally, for it keeps him in touch with the business men of the country and with his brother engineers, and enables him, when he is called to take part in the defense of the country against an enemy, as we were in 1917, for example, to do his share of the work with far greater efficiency than he could if it were not for these contacts. I believe—in fact, I am absolutely positive—that the Corps of Engineers performed its work in the World War in a manner second to no other branch of the Army, and I am also perfectly sure that it could not have equalled the record it made had it not been for the experience gained in river and harbor work. Nor do I think that the benefit is all on one side, for the river and harbor work benefits from the training and honesty of

the Army engineer. By training I mean the habit of saying and doing what he believes to be right, whether it is popular or not. That training comes from the hammering into him of the motto of West Point—"Honor, Duty, Country"—which is given him as a cadet and as a young officer, and from the traditions of the Corps of Engineers.

We have recently taken into the corps a number of officers who are not graduates of West Point, but I have great faith in their making good. I can not imagine a man joining the Corps of Engineers, with its traditions of honorable service, and not doing his utmost to keep its traditions unsullied.

I do not want to be understood as saying that I believe that the Corps of Engineers has a monopoly on upright and honest men, but I do very firmly believe that under no other organization can you get the same independence of action that you get from the Corps of Engineers. This comes not only from the training and traditions of the corps, that compel a man to do his best, but also from the fact that his position as an officer depends not at all upon the favors of any political party. No man whose position is not thus assured can have quite the independence of thought and action that an officer has.

As I said before, I have been connected with river and harbor work most of my service. I first reported for river and harbor duty in Wilmington, N. C., to General Bixby, as his assistant, when he was a captain and I was a second lieutenant. One of my very early experiences in Wilmington was making a trip from Beaufort part way to Wilmington through the sounds of North Carolina, over what will be, when it is completed, part of the intracoastal canal. I therefore came into contact with the intracoastal canal very early in my career, and I have been interested in it ever since that time. The trip through the sounds was made in a sharpie, which drew probably 6 inches of water, but we were obliged to so time our trip as to pass certain points at high tide in order to insure enough water to float even the sharpie. I remember very well that after we had left the sound at its western end, we made the rest of the trip to Wilmington in a buggy. One day we stopped for lunch in the pine woods, and attempted to roast some of the famous New River oysters beside a large stump. We lighted our fire and placed the oysters in it. We soon discovered that the stump was of lightwood, which you probably know is the part of a pine tree which has been bled for turpentine and which becomes thoroughly soaked with the turpentine, so that the term "lightwood" is well applied. It is hardly necessary for me to say that when that fire started, it started in a businesslike way, and we abandoned the oysters very promptly.

In those days, there was little system in river and harbor procedure. Projects were adopted with or without preliminary investigations. The investigations, when made, were not made systematically—each officer reporting pretty much according to his own ideas as to what ought to be included in his reports. It is therefore small wonder that the term "pork barrel" was applied to the river and harbor work as carried on in those days, for the adoption of the project depended about as much upon some individual's influence in Congress as it did upon the commercial value of the proposed improvement.

In 1902, as you know, the Board of Engineers for Rivers and Harbors was authorized. Beginning with that time the river and harbor procedure has been gradually systematized, until to-day all river and harbor projects which come before Congress are systematically and thoroughly examined. While it can not be said that the Corps of Engineers makes 100 per cent in its predictions as to what will take place when projects are adopted, I believe that its record is extremely high.

Appropriations were also made without any regularity. It was generally understood that a river and harbor bill carrying an appropriation would be passed every two years, but there was always a great state of uncertainty as to whether such a bill would be passed every two years and as to what amount it would carry. The appropriation bills, when passed, carried generally from about \$14,000,000 to \$20,000,000, or possibly \$25,000,000. Under these circumstances it is quite remarkable that as good results were obtained as was the case. With the present procedure and regularity of appropriations which have been made in the past few years and which I firmly believe will continue in the future, we are making great progress toward the completion of the river and harbor projects, which have been heretofore adopted. The next five years—if reasonable-sized appropriations continue, as I believe they will—should see most of the projects now on the books practically completed.

Coincident with more systematic examination of projects and greater regularity of appropriations, the Engineer Department has been constantly striving for greater efficiency in carrying on the work. Great attention has been given to all details with the result that, relatively, the costs of the work, particularly that done by hired labor, have been greatly reduced. For example, the cost of dredging with our seagoing hopper dredges has been practically cut in two in the last six years, so that the cost to-day is but little more than it was prior to the World War. In 1920 our fleet of 24 of these dredges removed 19,000,000 cubic yards of material at a cost of 19.7 cents per cubic yard. In 1925 the same number of dredges—but several of them of a newer and better

type than those used in 1920—removed 49,000,000 cubic yards at a cost of 9.2 cents per cubic yard. This result has been largely due to the larger and more regular appropriations enabling us to make definite plans for carrying on the work in an economical way.

There is now pending, as you may know, a bill before Congress, known as the Campbell bill (H. R. 8902), which would require practically all work to be done by contract. It would deprive the Engineer Department of the discretion which it now has in carrying on work, by contract or otherwise, as may be most advantageous and economical to the United States. In my opinion this bill, if enacted into law, would not only very seriously hamper the progress of river and harbor work but would increase its cost by many millions—probably hundreds of millions of dollars. Extensive hearings were held on this bill by the Judiciary Committee of the House, and I believe that every charge against the present method of carrying on the work that was made by the proponents of the bill was positively and definitely answered; but notwithstanding this, I understand that the subcommittee has reported favorably to the full committee. The bill is not in the interests of the United States, but of certain contractors who could absolutely hold up the activities of the Engineer Department and stop work unless they were paid their own price for doing the work.

The proponents of the bill brought up numerous cases of alleged inefficiency on the part of the Engineer Department. For example, it was charged that the Highway Bridge across the Potomac River here in Washington was estimated to cost \$1,000,000, and built by day labor at a cost of \$3,500,000. The president of the Contractors' Association stated in a public interview that they had all of the facts in this case, and that if they did not have them they would be foolish to make such statements. As a matter of public record, the bridge was estimated to cost \$1,196,000, and it was built by contract for \$1,192,000. This is on a par with most of the statements which were made.

The sole argument upon which they appear to depend at the present time is that the Engineer Department has too much plant for the amount of work which it does, and that consequently it must be inefficiently operated. They include in this plant, for example, the dredges on the Mississippi River which are used only during the low-water season, when they are used for cutting through bars which would otherwise block navigation. It may be readily imagined what would happen to navigation on the river if it were required that this work be done by contract, and yet that is what would have to be done if the bill as originally presented to Congress became a law. The contractors say that for a plant to justify itself the cost of the least amount of work it should do annually must be three times the value of the plant. The present value of our seagoing hopper dredges is about \$12,500,000. This plant then should do \$37,500,000 of work annually. As I have stated, this plant last year dug 49,000,000 cubic yards of material, and this is pretty near the maximum capacity of the plant. If it gets up to 50,000,000 cubic yards this year, it would earn \$37,500,000 if the cost was 75 cents per cubic yard. The actual cost, exclusive of interest and depreciation, was 9.2 cents per cubic yard. If we add 4 per cent for interest and 5 per cent for depreciation, the cost becomes 11½ cents per cubic yard, or 15 per cent of what the contractors say would be a minimum price for the work. This gives a fair picture, according to the contractor's own statements, of what would happen to the costs of river and harbor work if the Campbell bill were made law.

This is a subject in which all of you gentlemen should take a very active interest and inform yourselves fully as to what the effect of this bill would be if enacted into law on the projects in which you are interested. The hearings are printed and I presume copies can be easily obtained.

Recently a question as to the method of the collection of commercial statistics arose. I asked the River and Harbor Board to make me a report upon this matter. The board made a very interesting report on the subject, and in the course of its report made a comparison between the amount of freight carried by our inland waterways and that carried by the railroads of the country. This comparison showed that the class 1 railroads of the country, with a mileage of about 250,000 (first track), handled in 1923 about 1,280,000,000 tons of revenue freight.

The inland waterways, with a mileage, including unimproved sections, of some 30,000, or about one-eighth that of the railroads, handled in the same year, omitting all known duplications, some 200,000,000 tons, or about one-sixth that of the railroads. The savings to the country by the inland waterways system as a whole, after meeting all fixed and operating charges, amounted to about \$150,000,000 annually, or between 30 per cent and 40 per cent of the total investment in these waterways. If anyone would care for a full copy of the report of the board, I should be very glad indeed to give it to him.

As I stated early in this talk, I have been interested in the development of our intracoastal canals during much of my service. I had hoped that the link between the Chesapeake and Delaware Bay would be completed during my term of office; but due to an unfortunate accident this link can not be completed until some time next fall. There has been, as you know, a constantly growing traffic through the sections that are in operation, even if not completed, and I am sure that with the completion of these sections the traffic will increase at a still more rapid rate. I look forward to the time when it will be possible

for a boat to go from New York to Florida, across Florida, and along the Gulf coast to Corpus Christi without ever going into the ocean. I am sure that some time such a waterway will be constructed, and that when it is constructed it will carry a commerce that will fully justify its cost.

The Atlantic Deeper Waterways Association, of which our host is president, has done much in keeping alive the movement for the improvement of this system of waterways, and I am sure that he will never let the subject die for lack of attention.

I wish again to express my very great appreciation of the honor you have conferred upon me this evening.

STATE OF NORTH CAROLINA

Mr. SIMMONS. Mr. President, I ask unanimous consent for immediate action upon Senate bill 4320, Order of Business 1005, for the relief of the State of North Carolina.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the State of North Carolina and the United States property and disbursing officer of the National Guard of the State of North Carolina are hereby relieved from accountability for certain property belonging to the United States, of the value of \$1,904.39, constituting a part of the property lost through the carelessness and negligence of C. E. Earle, jr., formerly a captain, Company B, One hundred and fifth Engineers, North Carolina National Guard, V. E. Everett, formerly a captain, Company I, One hundred and twentieth Infantry, North Carolina National Guard, and F. H. Thompson, formerly a first lieutenant, Headquarters Battery, Third Battalion, One hundred and seventeenth Field Artillery, North Carolina National Guard, as shown in reports of survey of the War Department, dated September 9, 1925.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. Mr. President, will the Senator make a brief explanation of the bill?

Mr. SIMMONS. Mr. President, these losses were sustained by reason of the gross carelessness of certain officers of the National Guard. Upon that carelessness being called to the attention of the State, the State at once took action, and relieved these officers from their positions. This matter was submitted to the department, and the department recommended that the State be relieved from a portion of these losses, specifying the parts of the losses from the payment of which the State should be relieved.

I will read a portion of the letter of Lieutenant Colonel McAdams dealing with this matter:

WAR DEPARTMENT, MILITIA BUREAU,
Washington, March 12, 1926.

Subject: Reports of survey.
To: The Chief of Finance.

1. Herewith survey reports 143.8 (QM.) NC-184 (Ord.), NC-46, (Engr.) NC-5, and (Med.) NC-3, covering property losses in the following amounts:

Quartermaster	\$1,047.38
Ordnance	471.08
Engineer	19.07
Medical	9.32

Total..... 1,546.85

2. The evidence shows that the losses occurred through the gross carelessness and neglect of the responsible officer, Capt. V. E. Everett, Company I, One hundred and twentieth Infantry, North Carolina National Guard; that the State authorities took prompt action by relieving this officer from command, revoking his commission, and bringing him to trial; and that the responsible officer has no financial resources.

3. While the State is liable for the acts of its agents, in view of the circumstances of this case it is recommended that the State be relieved of responsibility, except as to the following items.

Mr. SMOOT. Mr. President, was the loss by theft or by destruction of property, or otherwise?

Mr. SIMMONS. I do not know exactly the character of the negligence.

Mr. SMOOT. There is nothing in the report to show?

Mr. SIMMONS. There is nothing in the report to show.

The VICE PRESIDENT. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRICES OF CRUDE OIL, GASOLINE, ETC.

Mr. TRAMMELL. I ask unanimous consent for the present consideration of Senate Resolution 31.

The VICE PRESIDENT. The Secretary will read the resolution.

The Chief Clerk read Senate Resolution 31, submitted by Mr. TRAMMELL on March 10, 1925, as follows:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate and report to the Senate at the next session of Congress.

First. The very material advances recently made in the price of crude oil, gasoline, kerosene, and other petroleum products, and whether or not such price increases were arbitrarily made and unwarranted.

Second. Whether or not there has been any understanding or agreement between various oil companies or manipulations thereby to raise or depress prices, or any conditions of ownership or control of oil properties or of refining and marketing facilities in the industry which prevent effective competition.

Third. The profits of the principal companies engaged in the producing, refining, and marketing of crude oil, gasoline, kerosene, and other petroleum products during the years 1922, 1923, 1924, and 1925, and also such other matters as may have bearing upon the subjects covered by the provisions of this resolution.

Mr. HARRELD. Mr. President, I have no objection at all to this resolution being taken up at this time. I want to address myself to the resolution for a little while. As far as I am concerned I will not object to its consideration, if there is no other objection.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. JONES of Washington. Mr. President, has the routine morning business been disposed of?

The VICE PRESIDENT. Not as yet.

Mr. JONES of Washington. I think that ought to be disposed of first. We have a unanimous-consent agreement to vote on a motion for reconsideration at the conclusion of the routine morning business, and I think it should be concluded before anything else is taken up. I call for the regular order.

The VICE PRESIDENT. The introduction of concurrent and other resolutions is in order.

Mr. TRAMMELL. Mr. President, I do not want to be disagreeable; I do not mean it that way; but the Senator from Washington sat in his seat and allowed at least six or eight different matters to come up out of order and be considered. Thirty minutes have been occupied in that way, and he has not objected to anything except this resolution for the investigation of the increase of oil prices.

I am going to object to anything being taken up out of order. I do not mean to be disagreeable, but if it becomes necessary to fight in that way for a fair deal, I am going to fight in that way.

Mr. JONES of Washington. Mr. President, the Senator, of course, understands the difference between this situation and the others. The other matters were passed without any discussion. It is understood that there will be considerable discussion on this resolution, and all that I want to do is simply to ask that the routine morning business be disposed of; that is all. I am not going to oppose the consideration of the Senator's resolution.

Mr. TRAMMELL. The other bills and resolutions that have been taken up out of order have occupied about 35 minutes, and the first thing we know the morning hour will be gone, because no doubt various and sundry other bills will be taken up in the same way.

Mr. JONES of Washington. There was no serious consideration or discussion of these bills. As I say, I am not opposing the Senator's resolution, but I think this is the best way to deal with the situation.

Mr. HEFLIN. Mr. President, I do not think there will be considerable discussion of the resolution. I think the Senate is ready to act on it. I do not know of any Senator who is going to discuss it except the Senator from Oklahoma [Mr. HARRELD], and I should not think he would speak very long. How long does the Senator think he would like to speak?

Mr. HARRELD. Probably not over 20 or 30 minutes.

Mr. HEFLIN. It seems to me that we ought to dispose of the resolution this morning and not let it go over another day.

Mr. JONES of Washington. No doubt we will soon get to it if we will conclude the routine morning business and take the vote that has been agreed on.

TRANSFER OF EMPLOYEES OF ALIEN PROPERTY CUSTODIAN

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The Chief Clerk read Senate Resolution 238, submitted by Mr. NORRIS on yesterday.

Mr. CURTIS. I ask that the resolution lie on the table without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice.

CARE OF DEPENDENT CHILDREN

The VICE PRESIDENT. The morning business having been concluded, the Chair lays before the Senate the special order for this hour, namely, House bill 7669, the so-called mothers' aid bill. Under the order of the 1st instant the question is on the motion of the Senator from South Carolina [Mr. BLEASE] to reconsider the vote by which the Senate rejected the amendment proposed by the Senator from Kansas [Mr. CAPPER] to strike out section 1 as amended.

In order to clear the parliamentary situation, however, the vote ordering the engrossment of the amendments and the third reading of the bill should first be reconsidered; and, without objection, this will be done.

The question now is upon the motion to reconsider the vote on the amendment of the Senator from Kansas.

Mr. BRUCE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. DILL (when his name was called). I have a pair with the junior Senator from Arizona [Mr. CAMERON]. Not knowing how he would vote if he were present, I withhold my vote.

Mr. HARRISON (when his name was called). On this vote I have a pair with the senior Senator from Kentucky [Mr. ERNST]. In his absence I withhold my vote. If permitted to vote, I would vote "nay," and the Senator from Kentucky would vote "yea."

The roll call was concluded.

Mr. BROUSSARD. I am paired with the senior Senator from New Hampshire [Mr. MOSES]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. JONES of New Mexico (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. FERNALD]. I am not advised as to how he would vote on this question if he were present. I have already voted in the negative, but under the circumstances I withdraw my vote.

Mr. JONES of Washington. I desire to announce that the junior Senator from Delaware [Mr. DU PONT] has a general pair with the senior Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 43, nays 34, as follows:

YEAS—43

Ashurst	Gillett	McMaster	Robinson, Ind.
Bingham	Goff	McNary	Sackett
Bleas	Gooding	Means	Shortridge
Bruce	Greene	Metcalf	Smoot
Butler	Harrell	Neely	Steck
Capper	Jones, Wash.	Norbeck	Underwood
Couzens	Keyes	Oddie	Walsh
Cummins	King	Pepper	Weller
Deneen	La Follette	Phipps	Wheeler
Frazier	Lenroot	Pine	Williams
George	McLean	Reed, Pa.	

NAYS—34

Bayard	Glass	Overman	Stephens
Borah	Hale	Pittman	Swanson
Bratton	Harris	Ransdell	Trammell
Caraway	Heflin	Reed, Mo.	Tyson
Copeland	Howell	Robinson, Ark.	Wadsworth
Edge	Johnson	Schall	Warren
Edwards	Kendrick	Sheppard	Willis
Ferris	McKellar	Shipstead	
Gerry	Mayfield	Simmons	

NOT VOTING—19

Broussard	du Pont	Harrison	Nye
Cameron	Ernst	Jones, N. Mex.	Smith
Curtis	Fernald	McKinley	Stanfield
Dale	Fess	Moses	Watson
Dill	Fletcher	Norris	

So the Senate reconsidered the vote by which Mr. CAPPER's amendment was rejected.

The VICE PRESIDENT. The vote having been reconsidered, the question now is on agreeing to the amendment offered by the Senator from Kansas [Mr. CAPPER], which the clerk will read.

The CHIEF CLERK. Strike out section 1, in the following words:

That there is hereby established in the District of Columbia a board to be known as the children's aid board, hereinafter referred to as the board, to be composed of five members appointed by the Commissioners

of the District of Columbia. Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation.

The terms of office of the members first taking office shall expire, as designated by the commissioners, two at the end of the second year, two at the end of the fourth year, and one at the end of the sixth year after the date of the enactment of this act. The terms of office of all successors shall expire six years after the expiration of the terms for which their predecessors were appointed, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor, and any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

The board shall, at least biennially, designate a member to act as chairman.

Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and a majority of the members in office shall constitute a quorum for the transaction of the business of the board.

No person shall be appointed as a member of the board unless he has been a bona fide resident of the District of Columbia for at least three years immediately preceding the appointment. Members of the board shall not be entitled to receive compensation for their services on the board.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the junior Senator from New Mexico [Mr. BRATTON] and vote "nay."

Mr. CURTIS (when his name was called). Making the same announcement I made before, I withhold my vote.

Mr. DILL (when his name was called). I have a pair with the junior Senator from Arizona [Mr. CAMERON]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. HARRISON (when his name was called). Making the same announcement as before, I withhold my vote.

The roll call was concluded.

Mr. JONES of New Mexico. I have a general pair with the senior Senator from Maine [Mr. FERNALD]. I transfer that pair to the junior Senator from Mississippi [Mr. STEPHENS] and vote "nay."

Mr. JONES of Washington. I desire to announce that the junior Senator from Delaware [Mr. DU PONT] has a general pair with the senior Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 41, nays 35, as follows:

YEAS—41

Bingham	Goff	McNary	Shortridge
Bleas	Gooding	Metcalf	Smoot
Bruce	Greene	Neely	Steck
Butler	Harrell	Norbeck	Underwood
Capper	Jones, Wash.	Oddie	Walsh
Couzens	Keyes	Pepper	Weller
Cummins	King	Phipps	Wheeler
Deneen	La Follette	Pine	Williams
Frazier	Lenroot	Reed, Pa.	
George	McLean	Robinson, Ind.	
Gillett	McMaster	Sackett	

NAYS—35

Ashurst	Gerry	McKellar	Shipstead
Bayard	Glass	Mayfield	Simmons
Borah	Hale	Overman	Swanson
Broussard	Harris	Pittman	Trammell
Caraway	Heflin	Ransdell	Tyson
Copeland	Howell	Reed, Mo.	Wadsworth
Edge	Johnson	Robinson, Ark.	Warren
Edwards	Jones, N. Mex.	Schall	Willis
Ferris	Kendrick	Sheppard	

NOT VOTING—20

Bratton	du Pont	Harrison	Nye
Cameron	Ernst	McKinley	Smith
Curtis	Fernald	Means	Stanfield
Dale	Fess	Moses	Stephens
Dill	Fletcher	Norris	Watson

So Mr. CAPPER's amendment was agreed to.

Mr. CAPPER. The Senate having reversed its action of last Monday, at which time it disagreed to certain other minor amendments, I now offer again those amendments and ask that they may be agreed to.

The VICE PRESIDENT. The Senator from Kansas offers certain amendments, which will be stated.

The CHIEF CLERK. On page 2, line 24, after the word "board," insert the words "of public welfare of the District of Columbia, hereafter called the board."

The amendment was agreed to.

The CHIEF CLERK. And on page 6, line 7, strike out the words "a secretary" and the comma.

The amendment was agreed to.

The CHIEF CLERK. Renumber the sections.

The amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments to be proposed to the bill in the Senate, the question is, Shall the amendments be engrossed and the bill read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide home care for dependent children in the District of Columbia."

MEMORIAL ADDRESS BY SENATOR BINGHAM

Mr. JONES of Washington. Mr. President, I ask unanimous consent to have printed in the RECORD the address delivered by the junior Senator from Connecticut [Mr. BINGHAM] on Memorial Day at the National Cathedral open-air service in the amphitheater.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY MR. BINGHAM MAY 30, 1926, AT THE NATIONAL CATHEDRAL OPEN-AIR SERVICE IN THE AMPHITHEATER

We are living in a world of speed. Every time a horse succeeds in traveling faster than any horse previously has gone we regard it as an item of news of general interest. Nothing gets more attention or more publicity than the creation of new speed records. Let a man run faster than any other man has ever run before, and he is hailed as a speed king. Let a man drive a motor car faster than it has ever been driven before, and he is regarded as having accomplished an enviable achievement. We praise the airplane because in it we can travel at greater speed than in any other device so far invented by man. Time flies. We long to keep up with it; so we would fly, too. We marvel at and admire the speed of light, the speed with which the human voice can be transmitted by telephone or by radio over countless thousands of miles in the twinkling of an eye.

Perhaps our worship of speed may be justified by the fact that it is the only way in which we can seem to prolong the time which has been allotted to us. There are only 24 hours in the day. No amount of wishing or scheming can increase their number or length by the fraction of a second. By speed, however, we can crowd more things into the day and so appear to lengthen it. Whether our lives are enriched thereby is another question. The fact remains we live in an age of speed. We read the headlines so as the more quickly to make a comprehensive survey of the news. We glance at the world's news through the illustrated papers or through the news feature of the movies, and in this fleeting glimpse we form a momentary conception of what is going on, with less expenditure of energy and less expenditure of time than in any other way.

The very speed at which we live, however, and which we are constantly striving to increase causes the deeper significance of the events of the day to escape our attention. Events pass by without leaving a lasting impression on our memories. We press forward eagerly; but we do not always hold fast to that which is good. In a word, we are so concerned with the rapid panorama of events which is speeding by that we easily forget what has gone before. We do not spend enough time in reflection.

The person who strolls along a country lane or through a woodland path has a chance to contemplate the beauties which nature unfolds before him, to enjoy the delicate tracery of the leaves, the exquisite symmetry of the trees, the restful play of light and shade, the silent waiting here and there in the sunlight of a fragile butterfly, the brief, sweet note of a hidden warbler, or the rich, mellow trill of a thrush. On the other hand, we who speed along the very same lane in a modern motor car are not only deprived of the full enjoyment of these pleasures but can scarcely retain a distinct memory of what we have seen.

Our knowledge of events and of government is derived so largely from a medium which takes a just pride in the speed at which it is produced, printed, and distributed, small wonder is it that we do not have more appreciation for the beauties of our history or the nobility of our institutions. Events which are more than a few years old are generally forgotten. Their significance is frequently disregarded or entirely overlooked. Our lives are so filled with fleeting interests and amusements, sensations, and distractions that we scarcely give a thought to those free institutions or those patriotic heroes to whom we owe our blessings. We tend to forget the sacrifices which have been made for us and for our country.

Consequently every lover of his country, everyone who is proud to bear the name American should be grateful for the custom which brings us together on Decoration Day, which leads us to honor the memory of those who have given their lives that we might live. Greater love hath no man than this that he lay down his life for his friend. In these days of speed it is so easy for us to forget—it is so hard for us to remember. For our own good and for the honor of our country it is appropriate that we pause and remember the cost of liberty and union and freedom.

America did not come as the result of a benevolent law or decree. America did not come by wishing. America did not come by soft living and the avoidance of hardship. America came through toil and sacrifice. In colonial days our ancestors struggled to wrest the rugged wilderness from those savage tribes and still more savage beasts who possessed it.

They laid down their lives for home and country, for the cause of freedom. They toiled manfully for independence. In Revolutionary days, 150 years ago, they risked being hanged as traitors in order that they might preserve their ideals and their rights to govern themselves. They died on many battle fields in the cause of liberty and for the land of their birth. They found comfort in those lines of the Latin poet, Horace, "Dulce et decorum est, pro patria mori." Sweet and proper is it to die for one's country. Their character was strengthened by the way they met difficulties. At Bunker Hill, at Valley Forge, at Saratoga, at Yorktown, they suffered and died for the inalienable rights of man, "Life, liberty, and the pursuit of happiness." They believed in the ideal of a self-governing community. To their communities they were loyal, even unto death. They believed that without community life there could be no peace. Without neighborliness each man's hand had been against that of every other man. In a community fortified by friendship, morality, and brotherly love they had built up that close bond of sympathy which makes life worth living. They gave everything they had for their ideals. Nothing was too hard or too difficult when their ideals of local self-government, or the right of representative government, or the rights of free men, were the prizes to be achieved. And they did not forget that eternal vigilance is the price of liberty.

Then came the great struggle between the States. The days when the cry was "The Union must and shall be preserved." The days when Abraham Lincoln and the boys whom he called to the colors gave their lives for the preservation of the Union; and their brothers across the line laid down their lives for ideals equally dear to them. To-day we all unite in worshipping the memory of the author of the Gettysburg address and the second inaugural. We go to the beautiful temple on the banks of the Potomac where Lincoln sits in marble as he so often sat in life, pondering on how best to serve America, with a heart free from malice. "With malice toward none; with charity for all." We like to remember his life with its humble beginnings and its glorious culmination. "With firmness in the right as God gives us to see the right." He stood for service. He died for his country.

And so with those thousands of others whom we honor to-day. They gave their lives for our country. Let us reward them by keeping our American ideals pure and lofty.

We admire them for their courage. We recognize that fear is well-nigh universal. All our lives we struggle against fear of one sort or another—fear of hardship; fear of offending those we admire; fear of ridicule; fear of suffering; fear of the unknown. Nevertheless we despise those who yield to fear. We admire those who overcome it. And to-day in particular we admire those who showed their courage and overcame their fears because they loved America.

The soldiers who fell in the World War perhaps had more cause for reasonable fear than those of any other war. Not only did they have to face the bullets and bayonets of the armies in front of them, but they had to overcome the unseen terror of poison gas. Instead of being able to get behind some sheltering rock or tree and thereby at least imagine safety from the missiles of the enemy, they had airplanes flying overhead dropping death from the skies. They even fought in the air, miles above their accustomed sphere. The wonder is that they could stand it; and yet we know our men went resolutely forward into battle, not driven like sheep nor whining to be excused, but courageously facing death and destruction. We admire their courage and discipline, their prompt obedience and self-restraint. We are proud of their record as Americans. We rejoice in their manly qualities. They served their country well.

How seldom do we serve our country as well as we could or with all our might! They gave their lives for America, these soldiers whom we here commemorate to-day. They sought no benefits for themselves, no financial gain, no luxurious comfort. They showed self-reliance, self-restraint, and with it all a splendid courage. They showed an honorable discipline, yet with it all initiative and independence. Let us to-day rededicate ourselves to the service of our country, so that those who died for us shall not have died in vain.

What does America need to-day? More laws, more rules for conduct? No. Multiplicity of laws did not make the people of Christ's time good or happy. A maze of laws had been perfected in an effort to provide for all possible contingencies. The Pharisees and Sadducees made many careful laws. The results were poor. Then came from Jesus Christ the essence of the whole matter, not more laws but fewer, only two—love God and love thy neighbor as thyself—the spirit of religion. In America we admire the Golden Rule more than any other rule of conduct. "Do unto others as you would have them do unto you." This is the one thing needful. If we could only carry that out, if we could only instill into our children that principle, then we should be able to repeal most of our laws and spend less time in multiplying new ones. America needs not more laws, but more religion. Not more

rules, but more good will. Not more regulations, but more regard for others. In this way can we make our country worthy of the great sacrifices, the highest sacrifice of all made for it by those whose memory we honor to-day.

These departed heroes whom we call to memory to-day gave their lives for their country. All that a man has will be given for his life. Possessions are of little use without life. Yet these boys made the supreme sacrifice for America. How much are we willing to sacrifice? How many of us will volunteer our lives for the service of our country? To-day is the best of all days to follow the example of these heroes and consecrate our lives to our country's service.

Let us first of all remember that we are not the subjects of a benevolent sovereign to whom as Americans we owe allegiance and who will in return grant us immunity from trouble. We are citizens of a republic. On the shoulders of each one of us rest certain responsibilities as citizens. Subjects of wise monarchs have few responsibilities. On the other hand, a citizen without responsibility ceases to be a citizen and becomes a subject. There are some Americans who so desire to see reforms come quickly, they would prefer to be the subjects of a benevolent paternalistic government than the free citizens of a republic. There are others who dislike to be annoyed by the duties of citizenship, who prefer to look to government for blessings rather than to look to themselves for the effort required to be good citizens.

Our supine disregard of the duties of citizenship has enabled selfish interests to exercise governmental control for personal gain rather than for the public good. Many of the laws on our statute books, as well as many of the proposed laws now before our law-making bodies, are framed with the idea of relieving the citizen of his normal and natural responsibilities and placing them on the Government. Many of our laws are necessary because of our unwillingness to accept our full duty as citizens. Some of these laws are like superficial cures for fundamental diseases. They do not go to the root of the matter. An evil symptom is seen. The law is aimed at the symptom rather than at the disease. The symptom may be some discomfort or distress. The disease is our careless or selfish failure to exercise the rights and duties of citizenship. The cure is not more legislation, but more painstaking, self-reliant, unselfish devotion to the responsibilities of citizenship.

In the second place, let us aim to change existing law only when we are sure that the proposal would facilitate the swift administration of justice. If we are unselfish in our attitude toward our privileges as citizens, there will be no need to curtail personal liberty. The only legitimate curtailment of personal liberty is when and where its exercise endangers the safety and liberties of our fellow citizens. Furthermore, let us do all we can to encourage self-reliance in the individual citizen, remembering the dangers to popular government from the growth of paternalism and the strengthening of a benevolent despotism. Let us courageously take up our own burdens instead of trying to lay them on the shoulders of our fellow citizens through the thinly veiled guise of welfare legislation. Let us go to the root of the matter and face the facts. Unless we check the present tendency toward an indiscriminate recourse to legislation to cure public and private ills, we are likely to lose the most precious inheritance of the citizens of that America for which these heroes died.

That inheritance is the American spirit, the indomitable spirit which overcomes difficulties, which faces danger without flinching. It is the spirit of '76. It is the spirit of the independent citizen who has gained strength and self-respect through his own determined efforts. When a man gives up baseball and lets some one else play it for him, he ceases to be a good player and soon loses the power of playing well. When a man gives up the habit of performing an act for himself, he soon loses the power and inclination to do it.

When a man gives up trying to solve his own problems and asks others to solve them for him, he loses the power to solve them. He also loses the satisfaction of having solved them himself. Like the soldier who runs away in battle, he saves his life, but loses the joy of living. He saves his skin, but loses his self-respect. "For what shall it profit a man, if he shall gain the whole world, and lose his own soul?"

When we ask government to come to our relief, and make our troubles less and our lives easier, we are asking government to take away from us the chance to gain one of the deepest of joys, one of the most durable satisfactions of life, one of the things that makes life worth living, the joy of self-reliance, the satisfaction of self-respect. We may gain physical comforts. We may gain economic relief; but we lose what is far more important, far more precious, the sense of inner power, the sense of manly achievement.

We lose the joy of victory, a victory won by one's own efforts. Who is it takes the most lasting satisfaction in a victorious battle, the persons whose lives and property were saved from the enemy, or the soldiers who fought and struggled and suffered? Those who received the benefits soon forget. Their joy soon fades. Those who struggled never forget. Their joy remains. Their satisfaction and content is like the clear cool water of a deep well far below the noise and storms of life.

The most precious thing in the world is character. A good name is far above riches. If our children have character, then America will

be safe. If they have character, they can be trusted to build up an America of the future worthy of the soldiers we commemorate to-day. But character can not be had for the asking. The glory of character is like the glory of pure gold that has come through the refiner's fire and had its dross burned away in the heat of conflict. The strength of character is like the strength of an athlete, which comes from long, grinding training, patient attention to duty, and a daily struggle to overcome inherited weaknesses. Strength comes from struggle. In ease and luxury lurk the germs of weakness. Let us beware lest our love and affection for our boys and girls, these Americans of to-morrow, deprive them of the opportunity to meet and overcome difficulties; deprive them of the chance to build a rugged and strong character.

Our soldiers held their heads high and faced discomfort, pain, and death, proud to be serving their country. Let us likewise, however dim be our vision, however insignificant our place in life, hold our heads high and cheerfully accept discomfort, pain, and even death if by so doing we may serve our country and follow in the steps of these heroes who have gone before.

PRICES OF CRUDE OIL, GASOLINE, ETC.

Mr. TRAMMELL. I move that the Senate proceed to the consideration of Senate Resolution 31.

The motion was agreed to, and the Senate proceeded to consider the resolution (S. Res. 31) directing the Federal Trade Commission to investigate and report to the Senate on the advances recently made in the price of crude oil, gasoline, kerosene, and other petroleum products, etc.

Mr. HARRELD. Mr. President, I realize the fact that what I shall say may not affect the result. I realize the fact, further, that many people, including Members of this body, feel that when we speak of the oil industry we are speaking of something that is not to be talked about at all. In other words, when we begin to talk about the oil industry many people see visions of fraud and corruption. They immediately begin to get afraid of public sentiment and many are even afraid to vote their real sentiments in connection with any matter involving the oil industry. Why that should be I do not know. It is true that in the early stages of the history of the oil industry reprehensible practices were indulged in. It was necessarily true. It is true of the real-estate business as well as the oil business in certain specific instances. It is true of any industry that there are people engaged in it who are not ethical, who conduct their business for a profit honestly if they can, but for a profit regardless of the ethics of the trade, and out of the unethical conduct of some people who have engaged in the oil industry there has been built up a prejudice against that industry which is absolutely unwarranted and unjustified.

The oil industry has become one of the biggest organized businesses of the Nation. I believe it is run on higher ethical grounds than any other business in the Nation at the present time. That statement may alarm some people when I make it. The oil industry does not consist entirely of the Standard Oil Co. and its branches. When we speak of the industry as a whole we mean to include not only the Standard Oil Co. and its branches, but the great number of independent producers of oil as well. When I say that the industry as a whole is well organized and that its business is conducted along ethical lines I mean by that the entire industry. There may be some companies, both independent and Standard, which violate the ethics of the trade, but generally speaking we have here an industry that is entitled to the consideration which a deliberative body of this kind ought to give to any other industry of the same magnitude and of the same importance. So, with a view to giving to those who want to have it some information concerning the production of crude oil and the manufacture of gasoline, I want to put into the RECORD to-day some facts and figures, which will perhaps show the futility of the adoption of the resolution. I am opposed to the adoption of the resolution, because it is futile. All the facts which will be developed by it may be obtained for the asking. I am going to introduce some figures which will show that that statement is correct.

The oil business is the one business where the facts are easily obtainable. All that will result from the investigation proposed to be made by the Federal Trade Commission under the resolution may be had by any Member of this body for the simple asking; therefore, the resolution of investigation is futile. Incidentally I am going to give some facts and figures about the 13 investigations that have been made of the oil industry in the last 10 years. Six of them have been made by this very same body, the Federal Trade Commission. I am going to show that most of the 45 investigations that have been made by the Federal Trade Commission of the various industries of the country at the instance of this body or of the House have been futile except in the matter of costs. I shall give some statistics along that line.

The Department of Labor, as we all know, gives out each year statistics concerning the production and sale of something like 400 commodities. Using the statistics of 1913 as a basis, I am going to read some figures to show that there has been less fluctuation in the price of crude oil and in the price of gasoline in the last 10 or 11 years than in any other one of the 400 commodities, and that the prices of gasoline not only have not fluctuated unduly, except as the result of the law of supply and demand, but that the prices have been more reasonable in the scale of ascending prices than we have had for the last 10 years.

The price of gasoline and the price of crude oil have trailed each other, showing that the law of supply and demand does control in the oil industry. They have been more reasonable in their increases as to price than any other one of the 400 commodities for which the Labor Department furnishes statistics. That may startle some Senators, but it is true.

The official figures of the Bureau of Labor Statistics relative to the wholesale prices of commodities show that the index number of gasoline prices has not kept pace with the index number of crude oil. They have gone up and down together, but they have not kept pace, which shows that there is not a monopoly of prices being exercised.

The index number of Oklahoma-Kansas crude oil for the year 1923 was 153.9 and of gasoline 122.8. In 1924 crude oil was 155.2 and gasoline 107.1; in 1925 crude oil 178.5 and gasoline 113.7. Had the index number of gasoline followed the index number of crude oil, the average price of gasoline in 1923 would have been 5 cents a gallon higher than it was, in 1924 8 cents a gallon higher than it was, and in 1925 10 cents a gallon higher than it was, and yet no such increases have taken place in the price of gasoline.

According to the latest official figures available the index number of Oklahoma-Kansas crude for April was 192.7 and of gasoline 112.9. Had the gasoline index number stood at 192.7 the price of gasoline would have been 14 cents higher than it was.

The official figures for May are, of course, not available. When they are issued they will show an index figure for Oklahoma-Kansas crude oil of about 219 and for gasoline of about 125. Thus, in comparison with the basic figures of 1913, the price of crude oil will be shown to have more than doubled, whereas the price of gasoline will be only 25 per cent above the 1913 level.

This extraordinary condition whereby both the producer and the consumer have been benefited has been brought about largely through increases in refining efficiency. It has occurred despite the increased cost of labor and materials entering into all phases of the operations of the petroleum industry.

Recent advances in price of gasoline have reflected the fact that in the face of a steadily increasing demand there is a shortage of petroleum production. Present production is not sufficient to meet this summer's demand, the deficit being estimated at from 150,000 to 200,000 barrels of petroleum daily. A year ago the Bureau of Mines estimated the daily production, plus imports of foreign crude, at 2,405,000 barrels per day. The most recent estimate for April, 1926, gives domestic production, plus these imports, at 2,146,000 barrels.

Comparison of gasoline prices and of prices of commodities in general, with the index figures of the Department of Labor, shows that gasoline has been far less affected by the general advance of the price value than the average for all commodities. Taking 1913 prices as the basis, and accepting the index figures of that year as 100, the average retail price of gasoline is 16.8 cents per gallon. That is, its exchange value in kinds of commodities in general was 16.8 cents per gallon. For 1914 the index figure for all commodities dropped to 98.1, average gasoline price fell to 14.4, making the exchange value of gasoline, on the basis indicated, 14.7. For 1915 the index figures for all commodities rose to 100.8, but the average gasoline price fell to 13.8 cents, leaving the exchange value of gasoline on the same basis, 13.7 cents per gallon.

In 1916 the commodity index figure rose to 126.8; the price of gasoline to 23 cents; and the exchange value to 18.1 cents.

Then in 1917 began the rapid advance in the general commodities index figure, carrying it up to 177.2. Under this influence the price of gasoline went to 23.8 cents, leaving the exchange value of gasoline, when referred to the 1913 price basis, equivalent to 13.4 cents.

In 1918 a further rise carried the commodities index figure up to 194.3; the gasoline price rose more slowly, reaching 24.2 cents, which, in comparison with other commodities, referred back to the 1913 general price level, gave it an exchange value of 12.5.

Then in 1919 the general commodities index figure rose, this time to 206.4. The gasoline price rose to 24.5, which, again, was considerably less than the average rise on the commodity list, causing the exchange value of gasoline to drop to 11.9.

The general commodities index figure reached its highest point in 1920, 226.2. The gasoline price for that year rose to 29.3 cents, giving it an exchange value of 13 cents per gallon. Of course, all these figures are based upon the 1913 figures as the index. In 1921 the index figure, under the influence of the general deflation, dropped to 146.9, the price of gasoline to 26.1, and the exchange value of gasoline rose to 17.8.

Since 1921 the tendency of general commodity prices has been upward, but the tendency of gasoline prices has been downward. Thus, in 1922 the index figure for commodities in general was 148.8; in 1923 it was 153.7; in 1924 it was 149.7; and in 1925, 158.5. But, while commodity prices in general were thus advancing, the gasoline price, beginning at 25.1 in 1922, fell to 20.7 in 1923, to 18 cents in 1924, and rose to 19.1 in 1925. Referring these prices once more to the comparison of 1913, it is found that the gallon of gasoline which in 1913 had, in exchange for other commodities generally, a value of 16.8, had in 1922 a value of 16.9 cents.

In 1923, because the price of gasoline fell more rapidly than did the index figure of general prices, the gallon of gasoline had an exchange value on the 1913 basis of only 13.5 cents. This fell again in 1924 to 12 cents, and in 1925 it stood at 12.1 cents.

That is to say, if all the commodity prices could have been drastically restored in 1923 to the 1913 ratio, gasoline would have dropped to 13.5 cents, or 3.4 cents less than the price which actually prevailed in 1913. In 1924 a later conversion of the whole price structure to the 1913 basis would have caused gasoline to go down to 12 cents per gallon; and in 1925 it would have stood at 12.1 cents.

In that connection I wish to call attention to the fact that at the refinery to-day gasoline is selling at 12 cents a gallon. It may be that in a few isolated cases, because of the congestion of freight, for instance, in the State from which the Senator who proposes this resolution comes, some retailers are selling gasoline from tanks to-day for 26 cents a gallon; but it is true that the industry itself does not get the advantage of that rate, because to-day at the refinery gasoline is selling at 12 cents, and whatever is paid above that by the individual goes to the man who is engaged in the retail sale of the product.

Summarizing these, official figures show that in general for the 13 years, 1913-1925, inclusive, the price of gasoline advanced less than the prices of commodities generally when prices in general were advancing; and it fell more than did the general price level when that general price level was falling.

For several years there has been a special complaint of the low prices the farmer received for his products. It is generally conceded that the farmer has had justification for complaint in this regard. Therefore if it can be shown that gasoline has suffered as to its price in comparison with the 1913 price basis, even more than farm products have suffered, it would seem to be thus definitely established that there is no occasion for complaint as to gasoline prices.

An examination of the index figures for farm products in general and for gasoline shows exactly this. Thus, if the average price of farm products in 1913 be taken as 100, and the average price of gasoline in that year be also placed at 100, then it is found that in 1914 the figure for farm products rose to 102.6 but that for gasoline fell to 85.7. In 1915 the average figure for farm products rose to 103.9 but that for gasoline fell to 82.2. In 1916 the figure for farm products rose to 122.8 and that for gasoline to 136.7. In 1917 these figures were, respectively, 189.6 and 141.1; in 1918 they were 218.5 and 143.9. In 1919 the figure for farm products reached apex, 230.8, but the figure for gasoline was only 145.6.

The following year, 1920, the figure for farm products fell to 217.9, while that for gasoline rose to 174.2. But in the next year, 1921, the farm-products figure fell to 123.7 and that for gasoline fell to 155.2. Then in 1922 farm products began the steady advance which had continued down to the present, while gasoline prices entered upon the progressive decline which continued during 1922, 1923, and 1924. Thus, in 1922 the farm-products index figure stood at 133.3, the gasoline figure at 149.3. In 1923 the farm-products figure rose once more to 141.2, but the gasoline index figure fell to 122.8. Again in 1924 the farm-products figure went up to 143.4 but gasoline price dropped to 107.1. Finally for 1925 the index figure for farm products stood at 157.8 while that for gasoline was at 113.7.

Thus it appears that the farmer's dollar in all the recent years has been worth more in gallons of gasoline than it was in 1913.

These are figures given out by the Labor Department; they are indisputable figures and have been issued after a thorough investigation; they will stand the test. They are the figures that will be produced to the Federal Trade Commission if this resolution be adopted; they are figures which can be had for the asking; they are figures which show that the investigation that is proposed would simply be futile; and that is the only reason why I am opposing it.

The further this kind of comparisons is carried the more conclusively do they demonstrate that in times of general rising prices gasoline has tended to rise less in price than other commodities, and in times of general falling prices gasoline has tended to fall more in price than other commodities.

DRAFT ON CRUDE OIL STOCKS EAST OF CALIFORNIA

There has been a steady draft on crude oil stocks east of California since August 1, 1925. From that date to January 1, 1926, these stocks were drawn on to the extent of 8,482,000 barrels.

There has been a marked decline in crude oil stocks east of California since the first of the year.

Stocks were drawn on in January to the extent of 4,543,000 barrels; in February, to the extent of 3,172,000 barrels; in March, to the extent of 1,363,000 barrels; in April—estimated by American Petroleum Institute—to the extent of 2,467,000 barrels. That is to say, that at the end of January there were 4,543,000 barrels less crude oil in storage than there were at the beginning of January. Is it any wonder that under such circumstances as that it has been necessary to increase the price at the well for crude since the 1st day of January? It is a natural response to the law of supply and demand.

It may be of interest to the Senate to know that there never is in storage crude oil sufficient to supply the market demand for more than 60 days at a time. The last figures I have as to that show that in January there was in storage sufficient crude oil to be manufactured into gasoline to supply the trade for 59 days; and that is a high average. The other day some newspaper carried an article written by an expert who said that at the present rate at which the storage oil was being consumed and at the present rate of production of crude we would soon be to the point where we would not have 20 days' supply; that is to say, that if not another barrel of oil was produced and if there was no reduction in the consumption, in 20 days we would reach a point in the use of gasoline and oil products where there would be none. In January we had a supply for 59 days. I do not know what the present figures are, but some one, as I have stated, writing a few days ago, estimated that, at the present rate of reduction of storage oil, before this year was out we would not have enough to last 20 days.

Mid-continent net pipe-line and tank farm stock were drawn on in January this year to the extent of 3,869,000 barrels, in February to the extent of 2,929,000 barrels, in March to the extent of 1,921,000 barrels.

These figures indicate that there is a shortage of current petroleum production in relation to current demand. In terms of estimated demand of the coming summer it is estimated that the deficit in production will range from 150,000 to 200,000 barrels per day.

This fall off in the production of crude began the 1st of August, 1925, and has continued ever since. It did not affect the price of crude until the 1st of January or some time during the month of January, when the price increased 25 cents per barrel; and then, later on in the spring, there was another increase of 25 cents, making a total increase of 50 cents a barrel in the price of crude production in the last six months. This increase in the price of crude was not only justified by the law of supply and demand, as I have just pointed out, but it was a godsend to the production end of the industry.

When the price of crude falls below what is a just price, the result is that the daily, monthly, and annual production decreases rapidly, for the reason that the supply of oil is always fluctuating, and it not only fluctuates but it depends upon the activity of the wildcatter, as we call him. By "the wildcatter" we mean the man who goes out and takes his chances at putting down a hole for half a mile into the ground, at a cost of fifty to one hundred thousand dollars, with the hope of discovering oil. If the price is low, he is not encouraged to do that. If the price is high, it does encourage him to do that. The more of these wildcat test wells we have drilled the more oil is produced, and from that source comes the great quantity

of oil that goes to make up the supply from which we draw daily in our consumption of gasoline and other products.

So I say to you that these two increases in the price of crude that have taken place in the last six months were not only justified upon the basis of the law of supply and demand, but they were justified because they gave the necessary encouragement to the man who goes out and risks his money in trying to bring in an oil well, and therefore increase the amount of oil to supply the demand.

These two increases of 25 cents per barrel that have taken place in the last six months, of course, had to reflect themselves in an increase in the price of gasoline. I do not know why it did not keep pace, but the facts in the case are, as I said a while ago, that you can buy all the gasoline you want to-day at the refinery at 12 cents per gallon. What it sells for when you put it in the tank of your car is another matter. These prices, however, are usually governed by what are called tank-wagon prices, and they are pretty much the same all over the United States. There has been an increase of only 3 cents per gallon on gasoline at the refinery since the 1st of January. As I said a while ago, in certain isolated cases, perhaps in the case of Florida, where there has been some confusion as to shipments by rail because of the congested condition of traffic and of freight transportation and things of that sort in that vicinity, it may be that gasoline sometimes sold for 26 cents, but the 3 cents increase in the price of gasoline since the 1st of January does not justify the sale of gasoline in any place for more than 24 cents, even including all the charges of the middlemen who handle it between the time it leaves the refinery and the time it reaches the consumer.

While this 50 cents increase in the price of a barrel of crude oil has been going on, it naturally had its expression in an increase in the price of gasoline, and I believe that all the investigations that may be made will simply show just what I have been pointing out here, and that these figures will warrant the conclusion that the law of supply and demand was responsible for the increase in the price of crude, and that the increase in the price of crude was perhaps responsible for the increase in the price of gasoline of which complaint is made.

There are some other figures to which I desire to call attention.

Exports of gasoline during the first four months of this year totaled 577,773,000 gallons, an increase of 142,164,000 gallons, or 32.6 per cent, over the same period of 1925. This is at the rate of 1,733,319,000 gallons a year. Now, we are bound to realize that an increase like that in the exports of crude or of gasoline products of crude from this country would naturally affect the law of supply and demand. It follows, naturally, that the price would be increased because of the fact that exports into other countries are drawing on our supply, in addition to the fall off in production.

Exports of gasoline in April totaled 179,504,000 gallons, compared with 109,750,000 gallons in April of last year. April exports were the largest on record, and compare with 124,000,000 gallons in August, the heaviest summer month last year, and the previous peak of 133,727,000 gallons in December, 1925.

That is from the Wall Street Journal. Here is an article from the Tulsa World, a paper published in our State, which shows that the daily average gross crude-oil production in the United States decreased 11,700 barrels for the week ending May 22 in the mid-continent field. In Oklahoma there was a daily decline of 6,950 barrels last week in the production of crude. These things are what affect the price of gasoline. These things are what affect the price of crude and cause it to fluctuate. It is just exactly like any other product that we have.

If you have too much corn, as they had in Iowa last year, the price is low. If you have a poor corn crop the price goes high. The same economic principle runs through the whole oil industry. Because of the fact that production is falling off at the rate of 11,700 barrels per day, because exportation has increased, and because of the shortage in the storage oils of the country, these fluctuations in price are perfectly natural, and I predict that that is all that will be brought out when this matter is investigated as proposed in this resolution.

Mr. President, I ask permission to have printed as part of my remarks this article appearing in the Wall Street Journal of May 29, from which I have quoted, and the one appearing in the Tulsa World of May 26, from which I have quoted, and a further quotation from the Wall Street Journal of May 26, showing the crude-oil output and how much it has fallen off recently.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Wall Street Journal of May 29, 1926]

GASOLINE EXPORTS GAIN—TOTAL 577,773,000 GALLONS IN FIRST FOUR MONTHS, 142,164,000 GALLONS, OR 32.6 PER CENT, ABOVE 1925 PERIOD

Exports of gasoline in the first four months this year totaled 577,773,000 gallons, an increase of 142,164,000 gallons, or 32.6 per cent, over the same period of 1925. This is at the rate of 1,733,319,000 gallons a year. Total gasoline exports in 1925 were 1,330,314,000 gallons.

Exports of gasoline in April totaled 179,504,000 gallons, compared with 109,750,000 gallons in April last year. April exports were the largest on record and compare with 124,000,000 gallons in August, the heaviest summer month last year, and previous peak of 133,727,000 gallons in December, 1925.

[From the Tulsa Daily World of May 26, 1926]

DAILY AVERAGE OF CRUDE LESS—TOTAL DECREASE IS 11,700 FOR WEEK—OKLAHOMA DECLINE IS 65,950

NEW YORK, May 25 (A. P.).—The daily average gross crude oil production in the United States decreased 11,700 barrels from the week ended May 22, totaling 1,987,300 barrels, says the weekly summary of the American Petroleum Institute. The daily average production east of California was 1,388,300 barrels, a decrease of 6,200 barrels.

	Daily average production	Difference (increase +, decrease -)
Oklahoma.....	460,650	-6,950
Kansas.....	106,500	+1,700
North Texas.....	102,100	+1,600
East central Texas.....	55,150	-550
West central Texas.....	79,500	+50
Southwest Texas.....	36,500	-4,550
North Louisiana.....	60,200	+4,250
Arkansas.....	176,850	-200
Gulf coast.....	93,100	-1,950
Eastern.....	106,500	+500
Wyoming.....	72,450	-100
Montana.....	27,900	-50
Colorado.....	7,100	+50
New Mexico.....	3,800	(1)
California.....	599,000	-5,500
Total.....	1,987,300	-11,700

¹No change.

Daily average imports of petroleum at principal ports for the week ended May 22 were 189,857 barrels, compared with 187,714 for the previous week and 181,286 for the four weeks ended May 22.

Daily average receipts of California oil at Atlantic and Gulf ports for the week ended May 22 were 20,571 barrels, compared with 115,286 for the previous week and 92,429 for the four weeks ended May 22.

[From the Wall Street Journal of May 26, 1926]

CRUDE OIL OUTPUT DROPS 11,700 BARRELS—PRODUCTION LAST WEEK AVERAGED 1,987,300 BARRELS DAILY—IMPORTS AVERAGED 189,857 DAILY

Domestic crude oil production in week ended May 22 decreased 11,700 barrels daily, averaging 1,987,300 daily, according to American Petroleum Institute. Crude oil imports for the week averaged 189,857 barrels daily against 187,714 daily in the preceding week.

Receipts of California crude and refined oils at Atlantic and Gulf ports averaged 20,571 barrels daily in the week ended May 22 against 115,286 daily in the preceding week.

Domestic crude oil production of 1,987,300 barrels daily last week, as recorded by American Petroleum Institute, was a decline of 359,600 barrels, or 15.3 per cent, from the peak of 2,346,900 barrels daily, established in week ended May 30, 1925.

Following table shows daily production (in barrels) of southern California, the entire State, and total in the United States the first of January in 1925 and 1924; peak output in 1925, peak output in 1924, peak of the Los Angeles basin fields and California peak in 1923, also weekly figures from January 1, 1926. Percentage of decline from peak output is shown at the head of each column:

Week ended—	Southern California	All California	Total United States	Daily average
1926				1925
Decline from peak..... per cent.	52.5	31.3	15.3	
May 22.....	314,500	599,000	1,987,300	2,314,750
May 15.....	317,000	604,500	1,999,000	2,305,950
May 8.....	317,500	604,000	1,994,050	2,238,350
May 1.....	318,500	605,000	1,990,100	2,182,850
Apr. 24.....	319,500	604,500	1,955,950	2,156,450
Apr. 17.....	316,000	596,000	1,940,000	2,080,650
Apr. 10.....	317,000	597,000	1,946,200	1,993,600
Apr. 3.....	321,500	602,000	1,947,450	1,931,300
Mar. 27.....	324,500	604,500	1,933,800	1,922,600
Mar. 20.....	325,500	607,000	1,928,950	1,944,700
Mar. 13.....	328,000	607,500	1,935,200	1,949,200

Week ended—	Southern California	All California	Total United States	Daily average
1926				1925
Mar. 6.....	327,000	599,000	1,920,300	1,944,450
Feb. 27.....	331,000	603,000	1,927,050	1,943,750
Feb. 20.....	331,500	603,500	1,902,750	1,947,600
Feb. 13.....	333,500	606,500	1,902,750	1,935,100
Feb. 6.....	333,500	608,000	1,906,250	1,941,600
Jan. 30.....	337,500	612,000	1,892,900	1,953,300
Jan. 23.....	340,000	613,000	1,928,350	2,003,200
Jan. 16.....	345,500	619,500	1,947,600	2,023,650
Jan. 9.....	351,000	629,000	1,966,800	2,005,000
Jan. 2.....	351,500	629,500	1,972,550	1,985,250
1925				
Sept. 12.....	388,500	669,500	2,133,050	1,204,450
May 30.....	335,000	623,000	2,346,900	1,983,400
Jan. 3.....	322,000	607,000	1,965,250	1,884,050
1923				
Aug. 18.....	263,000	282,000		

¹ Peak in 1924.

² Peak of production.

Production last week was 327,450 barrels daily below average the corresponding week a year ago, decrease of 14.1 per cent.

Mr. HARRELD. I also ask permission to have inserted in the RECORD an article appearing in the Washington Post of June 2, 1926, bearing on this same question; and from it I want to quote the following:

Gasoline consumption so far this year has greatly exceeded the industry's expectations. Early in the year one of the most prominent experts in this line estimated that the total gasoline demand in 1926 would be approximately 15 per cent greater than the total demand in 1925. The actual demand in the first three months of the year showed an increase of 22 per cent.

The estimate for the first three months compared with the actual demand in these three months is shown below.

I will just give the round numbers. The estimated demand in January was 798,000,000 gallons. The actual demand was 864,000,000 gallons.

In February the estimated demand was 694,000,000 gallons. The actual demand was 771,000,000 gallons.

In March the estimated demand was 863,000,000 gallons. The actual demand was 913,000,000 gallons.

The estimated total demand for those four months was 2,355,000,000 gallons, and there was actually consumed 2,548,000,000 gallons.

These figures suggest the real reason why the industry as a whole added relatively less to its storage supply in these winter months than has been the custom in recent years.

The following table shows the estimated demand to the end of the year and the prospective drain upon storage supplies, assuming current supply for the period to be at the rate shown by latest Government figures.

It goes on to give some other estimates.

The refineries of the country are rated with a capacity very much greater than their actual capacity, because the total figures include many obsolete plants and many others which can only be operated under the most favorable conditions.

Practically all refineries that can yield a profit at present level of prices are now operating at capacity. A few are being operated in anticipation of price advances. This means that if the production is to be materially increased the increase must come from the less efficient units in the industry.

These units have an average recovery of about 23 per cent of gasoline from the barrel of crude as compared with 50 per cent to 60 per cent by some of the leading companies. It is obvious that a 25 per cent plant must obtain much higher prices in order to yield a profit than a 60 per cent plant, and very few of these 25 per cent plants will operate unless gasoline prices move sharply up.

I ask permission to put the entire article in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

[From the Washington Post of June 2, 1926]

AUTHORITIES ON BUSINESS SEE NO DEPRESSION AHEAD

By S. S. Fontaine

NEW YORK, June 1.—Authorities on business conditions, such, for instance, as the Alexander Hamilton Institute, can find nothing to indicate a depression which the professional pessimists have been suggesting, though they find that the country is approaching a period when a seasonal curtailment of production is natural. It is not illogical to expect that the curtailment may possibly be somewhat more pro-

nounced than in 1925. Trade reactions normally follow years of heavy production and substantial increases in retail sales. The important question, however, is whether the decrease in production and that in sales will only be moderate or whether a period of actual depression and deflation is at hand. On this question the authority referred to says:

"At the moment there are no signs of serious depression. The discount rate on prime commercial paper is the same as a year ago; the reserve ratio of the Federal reserve bank is 75.4 per cent, as compared with 77 per cent a year ago.

"These figures indicate that money-market conditions have not seriously tightened during the last 12 months. The figures, however, show that loans on the New York Stock Exchange command a slightly higher interest rate than a year ago and that the ratio of loans to deposits of the New York banks is now 107.57 per cent, as compared with 103.79 per cent in May, 1925. This does reflect a slight distension of stock-exchange credit, as compared with a year ago.

"The money market, however, continues very favorable to the sale of real-estate mortgages and corporation bonds. During the first four months of 1926 the issues of new capital securities totaled \$2,315,000,000, as compared with \$2,132,000,000 in the corresponding period of last year, an increase of 8.6 per cent. In the face of these large offerings of securities the bond market has not only held firm, but has advanced and is now at the highest level since the war. This means a great deal in a country which proceeds with the development of natural resources and the requirements of an increasing population whenever the money market is favorable.

"The favorable bond market does not mean that building contracts and automobile production during the last half of 1926 can not fall below 1925. It does mean, however, that the money market will not interfere seriously with the business affairs of 177,000,000 people in the United States."

Gasoline consumption so far this year has greatly exceeded the industry's expectations. Early in the year one of the most prominent experts in this line estimated that the total gasoline demand in 1926 would be approximately 15 per cent greater than the total demand in 1925. The actual demand in the first three months of the year showed an increase of 22 per cent.

The estimate for the first three months compared with the actual demand in these three months is shown below:

Month	Estimated demand (gallons)	Actual demand (gallons)
January.....	798,047,000	864,327,000
February.....	694,596,000	771,022,000
March.....	863,319,000	913,567,000
Total.....	2,355,962,000	2,548,916,000

These figures suggest the real reason why the industry as a whole added relatively less to its storage supply in these winter months than has been the custom in recent years.

The following table shows the estimated demand to the end of the year and the prospective drain upon storage supplies, assuming current supply for the period to be at the rate shown by latest Government figures:

Month	Estimated demand (gallons)	Probable visible supply end of month	Days' supply
April.....	963,075,000	1,922,041,000	59
May.....	1,062,830,000	1,839,617,000	53
June.....	1,144,113,000	1,644,284,000	43
July.....	1,229,090,000	1,403,622,000	35
August.....	1,274,658,000	1,109,370,000	27
September.....	1,144,113,000	914,036,000	24
October.....	1,144,113,000	750,330,000	23
November.....	1,019,726,000	679,383,000	20
December.....	977,853,000	681,936,000	22

The refineries of the country are rated with a capacity very much greater than their actual capacity, because the total figures include many obsolete plants and many others which can only be operated under the most favorable conditions. Practically all refineries that can yield a profit at present level of prices are now operating at capacity. A few are being operated in anticipation of price advances. This means that if the production is to be materially increased, the increase must come from the less efficient units in the industry.

These units have an average recovery of about 23 per cent of gasoline from the barrel of crude as compared with 50 per cent to 60 per cent by some of the leading companies. It is obvious that a 25 per cent plant must obtain much higher prices in order to yield a profit than a 60 per cent plant, and very few of these 25 per cent plants will operate unless gasoline prices move sharply up.

Mr. HARRELD. Mr. President, as I said before, since January 1, 1926, the price of 33 gravity mid-continent oil has advanced 50 cents per barrel. During the same period the price of gasoline east of the Rocky Mountains has advanced on an average of about 3 cents per gallon.

Now, Mr. President, I shall have something to say about investigations in general. I have made up my mind that hereafter I will not vote for any investigation unless it is warranted. I mean by that that there ought to be some probable grounds for believing that something could be gained by an investigation before we institute it. We seem to have formed a sort of habit of investigating everything and everybody, and, with very few exceptions, the investigations have not amounted to much, except that they have cost the Government a lot of money. I want to call attention to some startling figures.

The Federal Trade Commission was organized on March 16, 1915, a little over 11 years ago. Between that date and March 31, 1926, 11 years and 15 days, 45 different investigations have been made by that body at the instance and request of the Senate, the House, the President, and the Attorney General. That does not include the numerous investigations they made upon their own motion; it does not include the numerous investigations that were made based upon applications of individuals and corporations for investigations; and does not include the investigations that were made by the Department of Justice or by the Department of Agriculture, or any other department. That is simply the number of investigations that have been ordered by the Senate and the House, three by the President, and one by the Attorney General. Forty-one of the 45 investigations have been ordered either by the House or the Senate, and the total amount of money expended in making those investigations has been \$3,332,593.75.

Six of the investigations have been of the oil industry, in 11 years, by this one body, the Federal Trade Commission. That does not embrace the investigations that have been made of the oil industry by the Department of Justice, or by any other department, and within the last 10 years there have been 13 investigations of the gasoline and oil industry.

I want to call attention to some of the investigations that have been ordered by Congress.

There was the fertilizer investigation ordered by the Senate in 1916, which cost \$9,286.

There was a pipe-line investigation ordered by the Senate in 1916, which cost \$100,675.88.

There was a gasoline investigation ordered by the Senate in 1917, the cost of which was included in the figures given for the pipe-line investigation.

There was an investigation into sisal hemp, which cost \$2,111.

There was an investigation into the anthracite industry, which cost \$50,447.

There was an investigation of the bituminous-coal industry, which cost \$10,108.

There was an investigation of newsprint paper, which cost \$3,688.

There was an investigation of book paper, which cost \$1,074.75.

There was an investigation of flags, which cost the Government \$806.

There was an investigation of the meat-packing profit limitations, which cost the Government \$3,024.

There was an investigation of farm implements, which cost the Government \$104,665. And what came of it?

There was an investigation of the milk business, which cost the Government \$65,432.

There was an investigation of the cotton-yarn business, which cost the Government \$54,721.85.

There was an investigation of Pacific-coast petroleum, which cost the Government \$61,282.

There was an investigation of petroleum prices in 1920, which cost the Government \$9,900. And what came of it?

There was an investigation of commercial feeds ordered by the Senate in the Sixty-sixth Congress, first session, in 1921, which cost the Government \$42,453. And what came of it?

There was an investigation of the sugar supply in 1920, which cost the Government \$42,453.21. And what came of it?

There was an investigation of southern livestock prices in 1920, which cost the Government \$4,221.

There was an investigation of shoe costs and prices in 1921, which cost the Government \$47,858; and what came of it?

There was an investigation of tobacco prices in 1920, which cost the Government \$11,147, and the price of tobacco went up immediately.

Again, tobacco prices were investigated in 1922, which cost the Government \$25,000, and still tobacco continues to go up.

There was an investigation of export grain prices in 1922, which cost the Government \$103,703.

House furnishings were investigated at the instance of the Senate in 1923. All these investigations were at the instance of the Senate. That house-furnishings investigation cost the Government \$133,048; and what came of it?

There was an investigation of flour milling in 1924, which cost the Government \$16,834.

There was an investigation of the cotton trade in 1924, which cost \$89,866.

There was an investigation of fertilizer in 1923, which cost \$2,878.

There was an investigation of foreign ownership in the petroleum industry in 1923, which cost \$5,637; and what came of it?

There was an investigation of the cotton trade in 1922, but the cost is not given.

There was an investigation of national wealth, under a Senate resolution, in 1924, which cost this Government \$147,579. What came of it?

There was an investigation of calcium arsenate in 1923, which cost the Government \$2,845.

There was an investigation of radio in 1923, which cost the Government \$2,481.

An investigation of bread was authorized by Senate resolution in the first session of the Sixty-eighth Congress, which has cost to date \$101,828, and the report has not yet been filed.

There was an investigation of cotton-merchandising practices in 1925, which cost the Government \$6,192.

There was an investigation of the packer-consent decree, which cost the Government \$3,900.

There was an investigation of the Empire Cotton Growing Corporation, which cost the Government \$1,714.

There was an investigation of the American Tobacco and Imperial Tobacco Co., which cost the Government \$5,262.

There was an investigation of the electric-power industry, which cost the Government \$54,000.

There was an investigation of open-price associations, which cost the Government \$4,500.

There was an investigation of cooperative associations, which cost the Government \$2,000.

Then comes the food inquiry, which was requested by the President. I am talking now about investigations made by the Federal Trade Commission. All these others were at the instance and request of the Senate. The one I have just mentioned was made at the request of the President. They investigated the meat industry, the grain industry, the flour industry, and the canning industry. They have spent \$653,665 inquiring into food. These investigations are all right when something comes of them, but what does result from these things?

There was an investigation of trade and tariffs in South America, which cost the Government \$7,000.

There was an investigation of war-time cost finding, which cost the Government \$1,326,502, and nothing came of it.

There was an investigation of wheat prices in 1920, which cost the Government \$4,253.

There was an investigation of the gasoline industry in 1924, which cost the Government \$26,489.

There was an investigation of lumber associations, at the request of the President, which has cost this Government \$28,604.

All this resulted in a grand total of \$3,332,593 which this Government has paid out for investigations in 11 years, at the request of the Senate, at the request of the President in three instances, and at the request of the Attorney General in one instance.

That does not embrace any of the inquiries that have been made by the Federal Trade Commission upon its own motion; it does not embrace any of the investigations made by the Federal Trade Commission at the request of any individual or corporation; it does not embrace the special investigations by the House or the Senate, such as the Teapot Dome investigation; it does not embrace any of the investigations made by the Department of Agriculture or any other department; but the investigations that have been made at the instance of the Senate of the United States in 11 years have been carried on at the cost which I have just stated, and with practically no results.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. HARRELD. I yield.

Mr. WHEELER. Let me say to the Senator from Oklahoma that the principal reason why a number of these investigations by the Federal Trade Commission came to naught, and did not amount to anything, was not because of the fact that they did

not find something, but was because of the fact that the former Attorney General and the present Attorney General have thus far refused to prosecute a number of antitrust cases which should have been prosecuted by the Attorney General of the United States. Take, for instance, the lumber cases, to which the Senator referred, and innumerable others.

The Federal Trade Commission reported to the Attorney General of the United States, to Mr. Daugherty and to his successor, asking that some of those cases be prosecuted; but in no case, as I recall, or at least in very few of them, did the former Attorney General take any action, and the present Attorney General has likewise neglected and refused to take any action in many of them.

Mr. HARRELD. I call the attention of the Senator from Montana to the fact that I said these figures covered a period from 1915 to the present time, so that a great many of these cases arose during an administration that was not controlled by the present Attorney General or by Attorney General Daugherty. For instance, there was the fertilizer investigation in 1916. Neither of those men was Attorney General at that time. I do not know who was Attorney General. The pipe-line investigation was also in 1916.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HARRELD. I yield.

Mr. McKELLAR. The Senator will recall that an oil investigation was prosecuted by the Committee on Manufactures of the Senate several years ago, and the effect of that investigation was to reduce the price of oil very materially for quite a while.

Mr. HARRELD. Yes; and a suit was brought to break up the Standard Oil Co., and immediately after that time prices of oil went higher.

Mr. McKELLAR. Yes; but while that Senate committee investigation was going on, and for quite a while, until the people had gotten used to it, the price of gasoline went down very considerably, and the users of gasoline in this country were saved enormous sums.

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER. Does the Senator yield?

Mr. HARRELD. In just a minute. I want to call attention to the fact that of these 45 investigations 11 were under the administration prior to Mr. Daugherty's administration.

Mr. CARAWAY. Mr. President, may I ask the Senator a question now?

Mr. HARRELD. Yes.

Mr. CARAWAY. The Senator said that the investigations of the oil companies heretofore have resulted in a rise in the price of the products. The Senator is not afraid that is going to happen now, is he, and therefore opposes this resolution?

Mr. HARRELD. I did not mean to say that that suit grew out of any of these investigations. That suit was filed some 20 years ago. If the Senator had heard my remarks when I began he would have heard me say that acts had been committed in the conduct of the oil business that were reprehensible in those earlier days that are not now practiced.

Mr. CARAWAY. I thought the Senator was offering that as a reason why this investigation should not be held—that the other investigations resulted in a rise in prices. That is not what is actuating the Senator, is it? He is not afraid that this investigation will raise the price of the products of the oil companies, is he?

Mr. HARRELD. No. I contend that the investigation will show that the present rise in the price of gasoline and crude oil is justified.

Mr. CARAWAY. Then why do the oil companies object to an investigation which will vindicate them?

Mr. HARRELD. I do not know that they are objecting. Not an oil man has approached me about this.

Mr. CARAWAY. What is the explanation of the Senator's opposition to the investigation? Why does he give the impression that it would be harmful if nobody connected with the business has talked to him about it?

Mr. HARRELD. I do not care to go into that again, because I have already given that reason, and if the Senator had been here he would have heard it.

Mr. CARAWAY. I heard it; but I thought from the last statement of the Senator that he had another reason.

Mr. HARRELD. The reason I am opposing it is this, that I do not believe it is good for business to make an investigation when it is known at the start that the investigation will be futile. I am not opposed to investigations in general, and whenever there are circumstances which warrant an investigation I will vote for one. I have myself introduced resolutions for investigations. I once offered a resolution for an investigation of the oil industry itself. The Record will show that I did, because something occurred in the oil industry that

I thought was reprehensible, and I was ready to have it investigated. But I stated at the beginning of my remarks that from this time on, personally, I shall not vote to investigate any industry unless some reason is given on the floor to show that it is necessary.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 7893.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Schall
Bayard	Frazier	McLean	Sheppard
Bingham	George	McMaster	Shipstead
Blease	Gerry	McNary	Shortridge
Borah	Gillett	Mayfield	Simmons
Bratton	Glass	Means	Smoot
Broussard	Goff	Metcalf	Steck
Bruce	Gooding	Neely	Stephens
Butler	Hale	Norbeck	Swanson
Capper	Harreld	Norris	Trammell
Caraway	Harris	Oddie	Tyson
Copeland	Hefflin	Overman	Underwood
Couzens	Howell	Pepper	Wadsworth
Cummins	Johnson	Philips	Walsh
Curtis	Jones, N. Mex.	Pine	Warren
Deneen	Jones, Wash.	Pittman	Wheeler
Dill	Kendrick	Ransdell	Williams
Edge	Keyes	Reed, Mo.	Willis
Edwards	King	Robinson, Ark.	
Ernst	La Follette	Robinson, Ind.	
Ferris	Lenroot	Sackett	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. TRAMMELL. Mr. President, I think we had about reached a point where a vote might be taken on the resolution which I brought up during the morning hour. I understood the Senator from Oklahoma to say that if he could finish his speech on the resolution he would have no objection to a vote being taken. If he has finished his speech perhaps we can get a vote on the proposition. I therefore ask unanimous consent to lay aside temporarily the unfinished business and to have a vote on the resolution.

Mr. McNARY. Mr. President, I desire to be accommodating to the Senator from Florida. However, I would not want to have the unfinished business displaced.

Mr. TRAMMELL. I do not want to displace it.

Mr. McNARY. I am willing to yield for the purpose of having a vote upon the Senator's resolution. I shall yield only for a vote, however.

Mr. TRAMMELL. I do not think the Senator from Oklahoma [Mr. HARRELD] would object. He has left the Chamber for the moment. I ask for a vote.

The PRESIDING OFFICER. The Chair holds that in order to have a vote on the resolution it will be necessary to lay aside the unfinished business temporarily.

Mr. McNARY. I am willing to have it laid aside temporarily for the purpose of having a vote, without further argument or discussion of the resolution.

Mr. SMOOT. Mr. President, I want to say to the Senator from Florida that temporarily I shall object. I will see the Senator from Oklahoma [Mr. HARRELD] as quickly as possible, and if he has no objection whatever I certainly will withdraw my objection.

Mr. TRAMMELL. I understood the Senator from Oklahoma to state that after he had made his speech he would have no objection to a vote. I do not know whether he has changed his mind.

Mr. HEFLIN. Mr. President, I want to say to the Senator from Utah that when I sought to get a vote on the resolution this morning I asked the Senator from Oklahoma how long he wanted to speak. He said not over 20 or 30 minutes. He told the Senator from Florida yesterday that he would be willing to have a vote upon the matter after he had discussed it.

Mr. EDGE. Mr. President, I can verify in effect what the Senator from Alabama has said. I do not think there is anyone who has the slightest idea of postponing a vote on the resolution. I think the Senator from Oklahoma was entirely ready for a vote when he concluded his remarks. If unanimous consent can be given for it let us have a vote. I do not know of anyone protesting against it. The Senator from Oklahoma has presented the views and record of those who are legitimately engaged in the oil business, and presented them very clearly and very effectively. I represent in part a State deeply interested in the refining of oil. I have had no suggestion from anyone in my State that the investigation

should be opposed. It will be the seventh, I believe. I am quite sure the Senator from Oklahoma is entirely ready to let the vote be taken.

Mr. SMOOT. With this understanding I shall not object I am ready to vote now with the understanding, however, that if there is objection on the part of the Senator from Oklahoma the matter will be reconsidered.

Mr. HEFLIN. Why not make a motion to that effect?

Mr. SMOOT. I do not want to move it. I want a unanimous-consent agreement that if the Senator from Oklahoma objects, the resolution shall be considered as in the same position it now occupies.

Mr. TRAMMELL. That is satisfactory to me. I have not any idea that the Senator from Oklahoma will object.

Mr. SMOOT. I ask that the resolution shall be reconsidered and be in the same position it now occupies if the Senator from Oklahoma shall object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. HEFLIN. I am not going to object to it, but is it not a bad precedent to establish that the Senate may solemnly vote upon a question and if one Senator should desire to oppose it when he appears upon the scene at a later time the whole Senate will revoke its action and let him have his way about it? The Senator from Oklahoma has no objection to a vote. He stated this morning that when he concluded his remarks he would have no objection to a vote.

Mr. HARRELD entered the Chamber.

Mr. McNARY. Mr. President, I am not going to yield for any further discussion and argument. The Senator from Oklahoma is now on the floor and he can speak for himself.

Mr. HEFLIN. Let us have a vote.

Mr. HARRELD. Mr. President, I am not opposed to a vote.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the unfinished business be temporarily laid aside only for the purpose of taking a vote on Senate Resolution 31. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside. The question is on the adoption of Senate Resolution 31.

The resolution was agreed to, as follows:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate and report to the Senate at the next session of Congress:

First. The very material advances recently made in the price of crude oil, gasoline, kerosene, and other petroleum products and whether or not such price increases were arbitrarily made and unwarranted.

Second. Whether or not there has been any understanding or agreement between various oil companies or manipulations thereby to raise or depress prices, or any conditions of ownership or control of oil properties or of refining and marketing facilities in the industry which prevent effective competition.

Third. The profits of the principal companies engaged in the producing, refining, and marketing of crude oil, gasoline, kerosene, and other petroleum products during the years 1922, 1923, 1924, and 1925, and also such other matters as may have bearing upon the subjects covered by the provisions of this resolution.

COOPERATIVE MARKETING

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. McNARY. Mr. President, when I yielded the floor yesterday afternoon I had concluded my analysis of the bill and amendments, section by section. To-day I am going to devote a brief time to a discussion of how the machinery will operate when once set in motion. I think the machinery under the bill can best be illustrated and its practicability demonstrated by a discussion of how it will operate when once the machinery is set in motion. I accept June 1 as the date of operation because it is about that time that there will be a general knowledge among the members of the board as to the amount of wheat that may be produced for that calendar year. It will be a sufficient time for the board to determine whether there is a surplus over and above the amount needed for domestic consumption and use.

On June 1 the Federal farm board is advised that the acreage of winter and spring wheat in the United States is 53,000,000 acres; the condition of winter wheat is good; and it estimates that an average yield of 15 bushels per acre (slightly more than the average long-time production) will result in a total crop of 815,000,000 bushels. It estimates that 100,000,000 will not leave the farm; that is, will be consumed for seed and feed; 550,000,000 bushels will move in trade to supply domestic requirements; and that there will be a probable export balance of 165,000,000 bushels.

Prior to the meeting of the board at which the decision to operate with wheat is reached, petitions have been received from the wheat growers' associations of Texas, Oklahoma, Indiana, Minnesota, North Dakota—I pick those States from the 48 because they are the great wheat-producing States—and from numerous farm bureaus, State farmers' unions, granges, and other farm organizations and cooperative associations, asking the board to undertake operations in connection with the forthcoming wheat crop.

The board having determined (1) that there is a prospective surplus above domestic requirements, and (2) that operations with wheat are desired by a substantial number of organizations of wheat growers, the board then decides that operation shall be undertaken, and it announces its decision, together with its preliminary findings.

Again I cite section 15, subdivision c.

I think, Mr. President, I might refer to the amendment which will be offered to the bill, perhaps, strengthening section 15a by giving to the wheat producers or the producers of basic crops a larger determination of the question whether or not the board shall undertake operations. There is a feeling existing among those favorable to legislation of this character that the board should not undertake to operate unless there is a substantial concurrence and accord on the part of most of the wheat producers or the producers of basic products. I think that proposition can, perhaps, be amplified and strengthened in the bill. As the word "substantial" is used in section 15, paragraph c, that does not necessarily, perhaps, include the voice of a majority or of a considerable number, and I am perfectly willing, so far as I can, to accede to an amendment of that nature.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. McNARY. I yield.

Mr. SIMMONS. Do I understand that this so-called referendum will have to be held with reference to the basic commodities mentioned in the bill and, of course, to any others that may hereafter be included?

Mr. McNARY. Yes.

Mr. SIMMONS. That will apply to cotton as well as wheat?

Mr. McNARY. Yes; that is true of the five basic commodities mentioned in the bill. The board on its own initiative can not undertake operations; it can only act upon the initiative of the producers of the basic agricultural commodities upon which the bill is to operate. Senators will see the justice and fairness of that proposal.

Mr. SIMMONS. If the provision of the bill with reference to cotton should be adopted, the revolving-fund feature would, I understand, apply to cotton after three years; and even then, before the equalization fee could be imposed, at the end of those three years a referendum would have to be taken?

Mr. McNARY. Whether the equalization fee applies at once or is deferred has nothing whatever to do with what the Senator is pleased to call a referendum of the growers.

Mr. SIMMONS. That is what it is.

Mr. McNARY. On the other hand, if, for example, the board found the crop prospects to be extremely poor, due to excessive winter killing, indicating a total production barely equal to or only slightly in excess of domestic requirements, it might decide that there was in prospect no considerable surplus above domestic requirements. If under such circumstances the wheat price naturally rose back of the tariff—as was the case to a great extent in 1925-26—then the organizations of producers might feel that they were able to handle the situation and secure for the farmers a price that would reflect most of the tariff benefit without the aid of operations by the board.

Thus, in years of short domestic crop, when prices in this country are above competitive prices outside, there is obviously a point in the rise of domestic price above world price at which there would cease to be any advantage from operation by the board.

Continuing the illustrations: If the Winnipeg price for No. 1 northern (spring) wheat is \$1 per bushel—I am using

\$1 really as an index number—and the comparable quality of wheat at Minneapolis is selling for \$1.35—other grades and qualities in this country being relatively high, with the usual price differential between grades and qualities of wheat—then the American farmers might be indifferent as to whether the board operates or not.

On consultation with the wheat associations and other organizations representing wheat producers, the board might conclude that the wheat farmers in the main do not favor a commencement of operations. In that event no start would be made, even though technically there might be a "surplus above domestic requirements" of wheat.

In such a case the prospective surplus is so slight that, even though operations might force prices still higher at very small expense or trouble in handling the excess supply, the sentiment among the farmers, as reflected by their organizations, would not justify the board in undertaking operations. The exact point at which the advantage from operations would cease is of course indeterminate.

Decisions involving the commencement of operations would probably be made prior to the commencement of harvest in most cases. It will be observed that I have accepted June 1, which is prior to the cropping of the wheat, as the time when operations will commence, but, as I have said, if there should be a depression in the price in midseason or in the fall the board could then start operations. I wish to speak of the advantages of that feature.

Conceivably conditions might arise under which wheat would sell high, with the aid of the tariff, through the early months of the crop year, but later in the year prices would drop, the tariff benefit becoming smaller and tending to disappear, because the crop yield would prove to be higher than anticipated. The wheat organizations might then petition the board to start operations, and it might decide to do so. There would be no inequity involved in the commencement of operation in midseason, since the early sales which had not paid the fee had received no benefit from operations, while the latter sales on which the fee is paid would be at a higher price level because of the board's assistance than would have been otherwise obtained.

II. AMOUNT AND POINT OF COLLECTION OF FEE

Prior to the commencement of operations the board estimates the probable losses and expenses and on that basis determines the amount of the equalization fee, as provided in section 17, to which I referred on yesterday. It must determine also whether the fee shall be collected on the processing or on the sale of the wheat (Sec. 18 (a)).

As I indicated on yesterday, the most practicable point for the collection of the fee will necessarily be at the processing point, in the case of wheat, the miller, and I assume that is exactly the way this bill will operate if permitted to do so.

The findings and determinations of the board may be worked out in this form: In the illustration I am placing the index number of the price of wheat outside the United States at \$1. The price of wheat in the United States is placed at \$1.40, because I am assuming that if wheat is not permitted to come in, and we remove the surplus either by storage or sale or export, the price will go to the highest brick in the tariff wall. I think that is an assumption upon which I safely may proceed; it is the theory of the bill, at least. Hence I put the price in the United States, including the equalization fee, at \$1.40.

I am assuming also the wheat acreage to be 53,000,000 acres, producing 15 bushels per acre, which will yield a net production of 815,000,000 bushels. I am allowing 550,000,000 bushels for domestic consumption and 100,000,000 bushels for seed and feed on the farms. These two items make a total of 650,000,000 bushels which would be consumed in domestic use and for seed, feed, and other farm purposes. Deducting the 650,000,000 bushels so consumed from the 815,000,000 bushels, representing the total crop, will leave an available quantity for export of 165,000,000 bushels.

The purpose of the bill is to take care of that 165,000,000 bushels in excess of the domestic requirements which, if permitted to remain in the country, would depress the price to the level of the world price, but its removal from the domestic market would naturally stimulate the price until it would reach a point comparable to the benefits of the tariff. If I am wrong in that assumption, the framers of the bill are wrong, and its supporters are wrong, for that is the theory; and for that reason I am using these figures for the purpose of the illustration.

Let me repeat that we will have 165,000,000 bushels for export. I have figured that the price at home will be \$1.40, because by getting rid of the exportable surplus the price in

the home market will be the dollar which it is worth outside in the competitive markets, plus the tariff, or \$1.40.

A loss of 40 cents a bushel on account of the sales in foreign markets of 165,000,000 bushels amounts to \$66,000,000 and the equalization fee necessary to cover this loss of \$66,000,000 is 9½ cents on the whole crop, not on that which is exported but on that which gets the benefit of the tariff in the home market. I estimate the overhead expenses will amount to 1.77 cents, making a total equalization fee of 11 cents. The price in the home market by reason of taking the surplus out of the country and getting all the benefits of the tariff would be \$1.40, less the equalization fee of 11 cents, which would make an average gain of 29 cents per bushel over and above what the world price is, at which the exportable surplus is sold and which would be the domestic price if it were not that we were ridding ourselves of the surplus. As was stated, the board, under section 18, must make its findings and determinations as follows:

- (1) Probable losses and refunds on export sales.
- (2) The equalization fee is fixed, as I have said, at 11 cents per bushel. The board chooses to base the fee on the unit of measure rather than value, which would be, of course, as to bushel rather than any particular quality, on the ground that under its operations, as the general wheat price level rises, the prices of all grades and qualities of wheat sold will rise correspondingly. Producers of wheat will benefit approximately the same amount per bushel from the increase, even though substantially the old price differentials between grades and qualities will obtain on the new and higher price level.
- (3) The board decides that the 11-cent fee shall be in effect for the period, say, of one year from July 1 to June 30 following.
- (4) The board decides that the fee shall be collected on the processing rather than on the sale of wheat, on the ground that the millers and converters of raw wheat number but a few thousand—as I stated yesterday, about 3,800 in all—whereas many times more would be involved in collection on the first sale. That is the advantage of collecting at the point of processing rather than from the individual producer when he makes sale and passes his product to market. That is according to section 18 (a).
- (5) The board announces the amount of the fee, the date of the commencement of operations—and I have taken July 1 as the date of commencement—the period during which the fee shall remain in effect, and the point of its collection—which, I repeat, perhaps would be at the point of processing—and the millers return to the fund the equalization fee in practically the same manner, as I perhaps mentioned yesterday, as an automobile manufacturer returns his revenue to the Government.
- Mr. WILLIAMS. How about the packers?
- Mr. McNARY. I was speaking of wheat; but, as the Senator from Missouri so well calls to my attention, if it were on livestock or hogs, the fee would be paid by the packers, which, of course, they would deduct at the time of the purchase, which would immensely simplify the procedure.
- (6) The board arranges either to supervise the collection of the fee itself, or, preferably, it arranges with the Bureau of Internal Revenue to take over the collection of the fee at the actual cost involved. That is according to section 21, subdivision (a).

III. COMMENCEMENT AND NATURE OF OPERATIONS

The board, in anticipation of the collection of equalization fees and in order to have operating capital for use in carrying out its part of the contracts and agreements with cooperative associations and/or millers for the withholding, removing, and disposition of the surplus, draws, we will say, \$25,000,000 from the revolving fund and places it in the equalization fund for wheat. That is according to section 19, subdivisions (a) and (b). In the meantime the wheat cooperative association have incorporated a wheat-export corporation as a nonprofit subsidiary controlled by them.

In working out the plan I, of course, am anticipating to a large extent what probably would be the attitude and what action would probably follow the passage of this act by the board.

Mr. NORBECK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. McNARY. I yield.

Mr. NORBECK. I am enjoying very much this splendid discussion on the part of the able Senator from Oregon. I am

not clear on one point, however. I note that he refers to a 40-cent difference.

Mr. McNARY. Yes.

Mr. NORBECK. Am I mistaken about the tariff being 42 cents?

Mr. McNARY. No; the Senator is quite right, but I left off the fraction. I took the index number of \$1 as the price prevailing at the nearest competitive market. I might further illustrate and take Winnipeg at \$1 as an index. Then I simply added 40 cents, omitting the figure 2, and based it upon \$1.40, assuming the tariff to be 100 per cent effective.

Mr. SIMMONS. Mr. President, will the Senator pardon me?

Mr. McNARY. Yes.

Mr. SIMMONS. Do I understand the Senator to mean that when this plan is put into operation it operates for that year?

Mr. McNARY. Oh, no. I may say to the Senator from North Carolina that the board determines the period through which the operation will be carried on and gives public notice of that fact. As an illustration of my own, I took it for a period of one year.

Mr. SIMMONS. Once it is put in operation it continues in operation, does it not?

Mr. McNARY. It continues in operation for the period specified by the findings of the board. It might be 90 days, it might be 6 months; but this is a hypothetical proposition, and I gave just the one year.

Mr. SIMMONS. Suppose there is a very short crop, a crop not more than sufficient to supply the American demand. Would the equalization fee be collected in that year?

Mr. McNARY. Oh, no; the board would not operate.

Mr. SIMMONS. The board would not operate?

Mr. McNARY. Certainly not.

Mr. SIMMONS. They would just suspend operations for that year?

Mr. McNARY. They would not commence operations. They are always in suspension unless they are set in operation.

Mr. SIMMONS. That was exactly what I desired to learn.

Mr. McNARY. For instance, take the Senator's illustration. If there was no surplus yield above domestic requirements, the farmers would get the full benefit of the tariff, which would give the producer just the same price as if there were a surplus under the operation of this bill, plus the equalization fee, because there would be no equalization fee to pay.

Mr. SIMMONS. And there would be no equalization fee paid, or anything of that sort?

Mr. McNARY. No; not at all.

Mr. SIMMONS. But the next year there might be overproduction, and then the equalization fee would apply?

Mr. McNARY. Yes. It applies only whenever the board determines that there is a surplus above domestic requirements, and when a considerable number of farm organizations and cooperative associations ask the board to operate, and in their best judgment they find that they should operate to benefit the farmers. Then operations begin, and for as long as they have declared the period to be the equalization fee is collected, because the producer is receiving the benefit from the operation; but when there is no operation to go forward, where supply and demand have adjusted themselves so that the farmer is getting the best available price, the board remains in a state of suspension.

Mr. SIMMONS. But it does not collect the equalization fee for that year?

Mr. McNARY. Not at all.

Mr. SIMMONS. The equalization fee applies only to that part of the crop which is actually marketed, and not to that part which is consumed by the producer?

Mr. McNARY. No; all that is consumed domestically pays the equalization fee.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. McNARY. I do.

Mr. NORRIS. The Senator from North Carolina evidently is thinking of the wheat that the farmers keep for seed and feed.

Mr. McNARY. Oh, no, no; the Senator referred to the wheat domestically consumed.

Mr. SIMMONS. No; I said it would not apply to that part of the crop which was not marketed, but which was consumed by the person who produced it; would it?

Mr. McNARY. Oh, no; of course not. I used the figures a moment ago of domestic consumption at 550,000,000 bushels, and 100,000,000 bushels upon the farm for seed and feed. The 100,000,000 bushels used for feed and seed does not get to the

millers; it is not processed in any way, and it pays no equalization fee.

Mr. SMOOT. It does not enter commerce.

Mr. McNARY. No; that is exactly it.

Mr. WILLIAMS. The fee is not collected under the commerce clause.

Mr. McNARY. We have invoked the commerce clause to strengthen the bill against any attack that might be made upon it from a constitutional standpoint; but I hope we will not get into that debate. I wanted to discuss the mechanics of the bill. I intimated yesterday my views along that line, but I shall say something on that subject at another time. I want no one to be misled. I may anticipate things here, as to how the board will conduct its operations in a way, quite apart from what would be done in actual practice, or perhaps not entirely according to the course which those who are kind enough to listen to me might adopt; but I am assuming that this is about what will be done:

At the outset the board enters into a contract with the wheat export corporation. That is to take care of the exports. For want of a better name I have simply given such an organization that name. Under the terms of that contract the corporation agrees to buy 50,000,000 bushels of wheat as fast as it comes on the market at Kansas City, St. Louis, and Chicago, and to arrange for the storage of these purchases. The board agrees to reimburse the corporation for the storage and carrying costs, and for losses in the event that sales are made at a price lower than the purchase price. Domestic prices will rise at once, of course, toward the level at which imports will be attracted. If we have a surplus and we estimate it to be 50,000,000 or 100,000,000 bushels, the mere fact that the board, as an agency of the farmer, enters the market to take this great amount of wheat off the market, either by storage or by export, will have the effect of bringing the domestic price up to the highest brick in the tariff wall.

In getting under way, the export corporation might have to leave some of its wheat in storage to prevent imports. Of course if it found that buying 50,000,000 bushels of wheat caused the domestic price to rise above the tariff, naturally we would have wheat coming to us from Argentina and Canada. To cure that situation, the board then would have to return to the market some of the wheat which it had purchased, and possibly at a profitable price.

Mr. McMASTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. McNARY. I am glad to yield.

Mr. McMASTER. What percentage of the total crop does the Senator consider that it would be necessary for this board to purchase at the outset?

Mr. McNARY. Mr. President, I really have not given it much thought. My whole illustration proceeds upon the theory that we have for export 165,000,000 bushels of surplus. In that case 50,000,000 bushels would not be all the surplus. They might want to take up the whole of the surplus. I am assuming that the purchase of 50,000,000 bushels would stimulate the market, and I have used that figure. As I say, much of this is hypothetical, but the only way to apply the various sections, in my opinion, is to illustrate them as you go along.

Mr. McMASTER. The point I really had in mind was this: The minute you begin to buy wheat and your local market reacts to the tariff wall, which is 42 cents a bushel, therefore all the wheat owners in the country would readily understand that under no circumstances during the coming months could their wheat be at a higher price, and therefore all of the wheat of the country would go to market, would it not? That is the information that I am interested in securing.

Mr. McNARY. Does the Senator mean at one time?

Mr. McMASTER. At one time.

Mr. McNARY. I do not think so. I think if the wheat grower knew—and he would know—that the board was in the market buying 50,000,000 bushels of wheat, and it found that the price level came up to the tariff wall, though it did not attract wheat from the outside, he could sit there content with the assurance that at any time he sold he would receive that high price.

Mr. McMASTER. Yes; but the holder of the wheat realizes that every month he holds the wheat he is losing the interest on his investment.

Mr. McNARY. Oh, yes.

Mr. McMASTER. Therefore there would be no object in withholding the wheat from the market.

Mr. McNARY. Well, yes. That is a refinement with which I am not familiar. I thank the Senator, however, for suggesting that.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. McNARY. I do.

Mr. WILLIAMS. When the Senator reaches the point in the analysis he is making where he can discuss this question of the tariff, and the reason why he uses it as a yardstick, will he discuss that feature of it?

Mr. McNARY. I might as well do it now.

Mr. WILLIAMS. Can the Senator do that now?

Mr. McNARY. If I get the Senator's point, in the House bill there is a provision that the board shall pay the producers of wheat the price obtaining at the nearest central competitive point outside of the country, plus the tariff, plus transportation. This bill does not contain that provision. That was fixing by statute a price. This bill says that they shall go into the market and remove the surplus. When the surplus is removed I have no doubt, nor have those who are supporting the bill, but that under the law of supply and demand the price of wheat will almost instantly reach a point covered by the tariff over and above the price at the nearest competitive point, less the equalization fee.

I may use the illustration again. Wheat is selling at Winnipeg at \$1. It is selling at \$1.10 in this country. The board, after consultation, and on the petition of these various farm organizations and cooperative associations, start operations. They go out to relieve the market of the depressing effect of the surplus. I think and believe that almost instantly the price of wheat will go from \$1.10 to \$1.42 or \$1.40.

Mr. WILLIAMS. Let us assume that is true. I was thinking rather of the sale by the board of some surplus wheat, say at Liverpool, and I was thinking of using as a yardstick of values a tariff, we will say, of 42 cents, which was not placed on wheat for any such purpose as that, but was an arbitrary figure which was placed on wheat for the purpose of preventing competition from without. It seems to me that when the tariff is used as a yardstick in that way, the theory of the tariff policy is inverted, and that it would be more consistent to permit the board to fix the price by using some other yardstick that would be reasonable, rather than the tariff. For example, suppose we were dealing with cotton.

Mr. McNARY. Would the Senator as soon use wheat, because we have started in with that?

Mr. WILLIAMS. Yes. I was going to speak of cotton because there is no tariff on cotton. In speaking of wheat, I suppose this wheat schedule of 42 cents is an elastic schedule; it is one that could be affected possibly by Executive order.

Mr. McNARY. The tariff is 30 cents.

Mr. WILLIAMS. Therefore, in collaboration with the Executive, it might be possible for the board to have some elasticity in using this tariff figure to get a reasonable price. Of course, we all understand that under this plan, if there is a scarcity of wheat in the United States, the board would not operate. If there were just sufficient to satisfy home consumption, the plan would not be in operation, and it operates only for the purpose of taking care of the surplus. In taking care of that surplus, we use the tariff as a standard of value, but we use it in inversion of the theory upon which the tariff was placed on wheat. I am wondering whether that does not make it entirely an altogether too arbitrary figure.

Mr. McMASTER. Mr. President—

The PRESIDING OFFICER (Mr. Willis in the chair). Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. McNARY. I yield.

Mr. McMASTER. The information I asked for a moment ago in regard to the total amount of crop flowing to the market immediately after the price had been stabilized I do not think in any wise is an objection to the bill, because the bill makes proper provision for the financing of the whole deal, anyway.

Mr. MAYFIELD and Mr. CUMMINS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield; and if so, to whom?

Mr. McNARY. I yield first to the Senator from Texas.

Mr. MAYFIELD. I have the honor of representing in this body a little State that produces about one-third of the cotton of the United States, which has no tariff on it, as the Senator knows. I was wondering how the cotton planters would hope to get any benefit under this proposition. I am just asking for light. I have not reached a conclusion about the measure. I just want to do the best I can for the people.

Mr. McNARY. The fluctuations in the yield of cotton are very great, as the Senator knows, varying from 8,000,000 bales to 16,000,000 bales per annum. From 50 to 70 per cent of the crop is exported. There is no tariff on cotton. The only benefit to the cotton producer would be an advance to those associa-

tions of money from equalization funds, in order that they might make orderly marketing of their products a practicable proposition, so that they would not in a year of great yield too quickly satisfy the appetite in the foreign market, and they could in a year or two, by withholding, get the highest price by stimulating the world price.

Mr. MAYFIELD. The Senator means the highest world price?

Mr. McNARY. Yes.

Mr. MAYFIELD. The Senator a moment ago was speaking with reference to wheat, and the price of wheat, stating that the board would buy up the surplus of wheat and in that way raise the domestic price to a certain point, which would include the tariff and the transportation charges. I want to ask him what really determines the price of any commodity. Is the price determined by the amount of the commodity in existence or is it affected and determined by the surplus that would be held by any board?

Let me illustrate. Take the price of cotton to-day. It was stated on the floor of the House by a prominent Representative, who had given a great deal of thought and study to this question, that if 250,000 bales of cotton were taken from the market the price of cotton would immediately advance. Yet it was later determined that the cooperatives had already taken 1,500,000 bales off the market, and the cooperatives to-day have 1,500,000 bales of cotton which they are holding. Yet the price of cotton has steadily declined from 22 cents last fall to about 16 cents to-day. My distinguished colleague who sits to my left here [Mr. GEORGE], who is a member of one of the cooperatives of Georgia, is still holding his cotton and can get 16 cents for it to-day, when he could have gotten 22 cents for it last October.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. SMOOT. In connection with what the Senator is saying, the Senator from Georgia has kept his cotton, no doubt, but about two-fifths of all that million and a half bales of cotton have been sold. It is not held entirely off the market. A million and a half bales of cotton were put into that pool for the purpose of steadying the market. The Senator will find that at least two-fifths of that cotton has been sold since that combination was made. That would never happen under the provisions of this bill.

Mr. MAYFIELD. If the Senator will suffer a further interruption, if the taking of 1,500,000 bales from the market has had no effect at all—at least did not raise the price or stop the falling of the price—I was just wondering how many bales would have to be taken off the market to have any effect.

Mr. SMOOT. A million and a half bales is a little less than 10 per cent of the production of the cotton this year. I have no doubt that if it had been double that amount the supply would have fallen below the world demand of cotton; the world would have taken it all, and more, too; and the price of cotton would have advanced. But this year I suppose there was the largest crop of cotton ever known in the United States, and the demand for cotton throughout the world is less than it has been in the past. In other words, if the Senator will look at the statistics as to the amount of cotton used by the American mills to-day, he will find that there is less cotton used, less cotton contracted for, this very year than there has been for years and years past. So there is a double reason why cotton is depressed this year. Not only is there the greatest crop, but there is a lack of demand for it as well.

That does not happen so often with wheat, because we know about what amount of wheat will be grown in the United States if the crop is a first-class crop, and whenever there is not a first-class crop the effect is felt immediately even upon the price of wheat in the world.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. HEFLIN. The Senator from Utah is entirely mistaken about the demand for cotton falling off. Mr. Hoover gave out a statement, I believe in November, to the effect that the world would need and take at least 15,000,000 bales from Americans if it could get that amount.

Mr. NORRIS. Mr. President, I would like to make a suggestion. I do not know whether it will be welcome to the Senator from Oregon, but Senators will remember that the Senator from Oregon is undertaking now to give an illustration of what would happen under this bill if it becomes a law, and he is just part way through with his illustration and is using wheat as the object of the illustration. It seems to me we should not take him away from that until he has finished, and then we can take up the matter of cotton.

Mr. HEFLIN. The Senator is right about that, and I have no desire to disturb the Senator in his argument; but I did not want the statement of the Senator from Utah to stand unchallenged. I think the demand for American cotton is increasing.

Mr. SMOOT. The Senator is mistaken.

Mr. SIMMONS. Mr. President, I agree with what the Senator from Nebraska has said; yet a suggestion has been made with reference to cotton which I think is unfounded, and I think now is the time when we can possibly give that argument some attention. If the Senator will pardon me, I would like to answer it for a few minutes.

As I understand the Senator's argument with reference to wheat, it is this: If you can withdraw from the market the unneeded surplus, reducing the supply of wheat in this country to the domestic demand, the tariff will prevent importations of wheat from abroad, and the effect will be that the price of wheat in this country will go up to the level of the tariff wall.

Mr. McNARY. That is the theory upon which I am proceeding, and it is the purpose of the bill.

Mr. SIMMONS. That means this, as I understand it, that but for the tariff, in that situation, wheat would come into this country from the outside.

Mr. McNARY. Yes.

Mr. SIMMONS. The result of that would be that the price of wheat in this country would be forced down to the level of world prices. If that applied to cotton, what the Senator from Texas has said would be correct with reference to cotton; but it does not. If we can remove the unneeded surplus of cotton in this country, the surplus over and above the aggregate of our domestic consumption and the quantity we export to supply demand the world makes on us for cotton, then, if there were a surplus of cotton in other portions of the world which might find a market in this country, it would depress and keep the price down to the world price. But when we have removed from the markets in the United States all except what is necessary to supply our domestic demand and what we sell abroad, there is no production of cotton in the balance of the world which would find a market in this country. We produce here practically the world's surplus. We supply our own demand and produce the world's surplus of cotton. That is not so of wheat. The outside supply of wheat is abundant. We can withdraw our surplus, and still there is enough wheat in the world to meet its demands and to supply us if we need it. But when we do that with reference to cotton, then there is no excess of cotton anywhere else in the world that will come into the United States and depress the price in our domestic market. So the lack of a surplus of cotton anywhere else in the world operates, if we will remove the surplus produced here, upon the price in this country just exactly as the tariff does in the case of wheat.

Mr. McNARY. I thank the Senator from North Carolina for his observation.

Mr. GOODING. Mr. President, will the Senator from Oregon yield to me to make a short observation on the cotton situation?

Mr. McNARY. Yes; I yield.

Mr. GOODING. I understand that when the country produces 14,000,000 bales of cotton it produces an ample supply not only for our own use but for the world. It takes about 14,000,000 American bales of cotton to supply America and the needs of the world. Originally the estimates made by the Department of Agriculture were that the crop this year was 14,000,000 bales. The cooperatives took off 1,500,000 bales, hoping in that way to control prices. Then it later developed that we had 16,000,000 bales of cotton, so it is plain why cotton prices went down. They were not able to take enough cotton off the market to control the prices. But if the bill passes, so that we will be able to take enough off the market and carry it along, then we can talk about controlling the prices. Of course, the cotton cooperative organization must break down. That is what has destroyed every cooperative marketing organization heretofore in existence in America, because they have not been able to control the entire output of the farm products, and unless they can do that they must of necessity fail.

Mr. SIMMONS. Mr. President, if the Senator from Oregon will permit me further—

Mr. McNARY. I yield.

Mr. SIMMONS. I did not address myself to that phase of the matter, but I would like to do so now. It is vastly different when there is a purchase and withdrawal of 2,000,000 bales of cotton from the domestic market by an association or an organization or agency, whatever it may be, private or governmental, that can hold that cotton indefinitely and as long as the ex-

gencies of the situation to accomplish a specific purpose makes it necessary.

The kind of withdrawal that the bill contemplates is far different from the kind of withdrawal that is brought about through the operation of the cooperative associations. That is not withdrawal at all in any sense.

Mr. GOODING. I agree with the Senator thoroughly, if he will permit me, but at the same time—

Mr. SIMMONS. Let me finish. It will take but a moment to do so, and then I shall be glad to hear what the Senator has to say.

The cooperatives receive from their members, we will say, 1,500,000 bales of cotton this year. They make the members a cash advance. They promise to market that cotton in an orderly way, and as fast as they sell it they promise the owner of the cotton that they will give him his part of the proceeds in excess of what has already been turned over to him. It is necessary for them, therefore, to market the cotton and meet the requirements of their stockholders, so to speak, for their money as speedily as they can possibly put it upon the market and sell it in an orderly way. Therefore, the minute the cooperatives acquire the cotton they begin to look around for a market for the cotton. They begin to sell it. They are not in a condition, financially or otherwise, to hold the cotton for any fixed period of time. They hold it only temporarily. They have contracted to sell it as quickly as they can in an orderly way. It is not a permanent withdrawal. It is not a withdrawal which notifies the balance of the world that here are 2,000,000 bales of cotton which represent the entire world surplus in the hands of the Government or a corporation sufficiently strong to hold it a year, or two years, or any length of time that may be necessary in order to stabilize the price of cotton in this country.

Mr. GOODING. In all of which I agree with the Senator, but the point I make is that if there had been only 14,000,000 bales of cotton produced in this country this year the efforts of the cooperative associations would have been successful to some extent. The result was that after they made their withdrawal cotton continued to decline, because it soon developed that there were 16,000,000 bales of cotton produced instead of 14,000,000, so they were not effective at all in holding up the price, and they, as a cooperative organization responsible for taking the position of attempting to hold up the prices, suffered from the fact that they did hold their cotton. Everybody else who put the cotton on the market immediately benefited from the efforts of the cooperative organization.

Mr. SIMMONS. Mr. President, I hope the Senator from Oregon will pardon me. I thought the statement was pertinent just at that point.

Mr. McNARY. I am very glad to accommodate the Senator. At the outset the board enters into a contract with the Wheat Export Corporation, under the terms of which the corporation agrees to buy 50,000,000 bushels of wheat as fast as it comes on the market at Kansas City, St. Louis, and Chicago, and to arrange for the storage of these purchases. The board agrees to reimburse the corporation for the storage and carrying costs and its losses in the event that sales are made at prices lower than the purchase price.

Domestic prices will rise at once toward the level at which imports will be attracted.

Again keep in mind the illustration I made of the basic or index figure of \$1 and the tariff at 40 cents.

In getting under way the Export Corporation may have to release some of its wheat in storage to prevent imports. On the other hand, if the domestic price lags the board and the corporation may have to contract for additional purchases. Later in the season additional contracts covering purchases in Minneapolis and Portland or Seattle will probably be entered into.

As I stated, my hypothetical case proceeds upon the theory that there is a surplus of 165,000,000 bushels. The 50,000,000 which the board takes off the market at the places I have mentioned may not be sufficient stimuli to raise the price to a point comparable with the benefits of the tariff. The board may then have to go ahead and double or duplicate the amount which they first bought or took of the estimated surplus from the market.

All these purchases are made at the prevailing market price, but that price will tend to remain high in relation to world price because of the announced determination of the board to make such contracts as are necessary to keep the surplus out of the domestic market at all times.

Referring to the comment made by the Senator from South Dakota [Mr. McMASTER], I have no doubt that the producer at any time, whether he sells immediately on the operation of the board or at any time during the whole period of harvesting, will receive the benefit through that period. It remains equal and substantial and the same.

On the other hand, the price can not rise above the competitive prices outside the United States plus the tariff, for imports must not be attracted.

There is a provision in the bill which proceeds upon the theory that the board might start operations when the world price plus the tariff would give the producer a very large and excessive price. The senior Senator from Iowa [Mr. CUMMINS] had inserted in the bill known as the Dickinson bill a provision that the board at no time may operate when the price, indeed, would be higher than a fair and reasonable return to the producer. It was thought by that means we could prevent an excessive price being paid to the producers for their basic products. I do not know that I referred to that yesterday in my statement. It was an omission on my part if I did not.

Mr. SHIPSTEAD. Mr. President, may I ask the Senator if that provision is not in the pending bill?

Mr. McNARY. Yes; that provision is in the bill. I refer to subdivision 1 of section 15, which reads:

(1) No payment of losses shall be made unless the purchase or contract for the purchase is made at a price which, in the opinion of the board, is not in excess of a fair and reasonable price.

That is the provision to which I have just alluded.

Mr. SHIPSTEAD. As I understand it, it is establishing a Government monopoly for the handling of farm products within certain limits.

Mr. McNARY. I do not think the Government is establishing a monopoly. The Government is creating an agency which the farmers may use for the purpose only of stimulating and increasing the prices by relieving the price level of the depressing effect of a surplus.

Mr. SHIPSTEAD. Relieving that depressed price by going into the markets and buying enough to stimulate the market to the tariff level and then disposing of it.

Mr. McNARY. That is true, in a way that would bring about a minimum in the way of losses, which losses are represented by the equalization fee paid, and which comes directly from the producers themselves.

Mr. SHIPSTEAD. And in order to do that they must be able to monopolize the purchase of wheat, or at least of the surplus.

Mr. McNARY. I do not like the word "monopoly." It is rather an offensive term. I hate to see it applied in a case which is for the purpose of benefiting the farmers' condition.

Mr. SHIPSTEAD. I did not want to use it in an offensive sense at all.

Mr. McNARY. I know exactly the sympathy the Senator has for the producers of the country. It must necessarily give them a power which, I think, can only be given them by the Congress, a power to help them improve the situation which has been made for them by Congress in legislation heretofore enacted. I am not complaining, but I cite the tariff law, the immigration law, the railroad laws, and many other species of favorite legislation which have made necessary, in my opinion, legislation of this kind in order to give the farmer the same treatment we have given those engaged in other industries.

Mr. SHIPSTEAD. As a matter of self-defense.

Mr. McNARY. Yes; as a matter of self-defense.

Mr. SHIPSTEAD. If we call it by the same name, it ought to smell as sweet as though we called it by some other name.

Mr. SIMMONS. Mr. President, I wish the Senator would help me clear up just one little trouble that I have in my mind.

Mr. McNARY. Certainly.

Mr. SIMMONS. I think the point was raised by the Senator from Missouri [Mr. WILLIAMS] awhile ago. If I understood the Senator from Missouri correctly, his understanding was that the board or its agent would fix the price at which they would buy the surplus. I do not know whether or not he was correct. I was going to ask the Senator whether or not that is true. Would they fix a price based upon the world price plus the tariff or would they, when they begin operations, simply go into the market at that point and buy wheat for whatever price it was selling at, with a view to stabilizing the price when they had withdrawn the surplus from the market by purchase? In other words, upon what would the board base its purchases? Would it be upon an artificial base fixed by the world price plus the tariff or would it be upon whatever the market price was at the time they, in order to withdraw the surplus from the market, offered to buy?

Mr. McNARY. Mr. President, attempting an answer to the Senator's inquiry—and it goes not to any language employed in the bill, but to the question of judgment in the administration of the act by this board—I will say that I would assume that they would not fix a price based upon the nearest com-

petitive outside market plus the tariff, plus the cost of transportation. That, indeed, would be price fixing.

Mr. SIMMONS. It would.

Mr. McNARY. I think they would announce to the world that they were to start operations on the 1st day of June, following out my illustration, and if they determined that there were 165,000,000 bushels in excess of the domestic requirements they would start to buy at the market price.

Mr. SIMMONS. That is my understanding.

Mr. McNARY. But, as a practical proposition, it is my opinion that the farmer who has wheat and knows these operations are going to start would withhold his product until he can get the highest price, and that would be the price that is based on foreign competition plus the tariff.

Mr. SIMMONS. Then the Senator concludes—and that is my conclusion—that as soon as the board begins to buy upon the basis of prevailing prices the price that will ultimately obtain as the result of this withdrawal will begin to operate immediately?

Mr. McNARY. I think so; but, Mr. President, in a bill of this kind one might say much must be left to the imagination as to what the board would do. I am assuming here to-day to point out what the board might possibly do. I have no doubt it might be very differently and much better than I am attempting to demonstrate. I am only making this statement for the purpose of showing the practicability and workability of the bill and what would be accomplished when the machinery shall have been set in motion.

Mr. SIMMONS. I simply desire to remove the idea that the board would start out by arbitrarily fixing a price. That is what I had in mind.

Mr. McNARY. I will say to the Senator that I have no doubt that the board could fix a price, but the board certainly would not do it.

Mr. SIMMONS. The bill is not so drawn as to require the board to do so.

Mr. McNARY. Not at all.

Mr. SIMMONS. And it would not be necessary for the board to do it in order to benefit the farmer.

Mr. McNARY. Not at all.

Mr. SHIPSTEAD. Mr. President, may I make a suggestion?

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Oregon yield further?

Mr. McNARY. I yield.

Mr. SHIPSTEAD. Mr. President, as I understand, the object of the bill is to help the farmer receive the world price plus the tariff, and to that extent it works toward the fixing at least of that price. One may say that it is not price fixing, but it is to help the farmer to get a better price. However, to the extent of the tariff of 42 cents, at least that much of the price is fixed if the law operates to bring the tariff into effect.

Mr. McNARY. That is correct.

Mr. President, I wish briefly to discuss a problem that might seemingly confront the millers. Again I must call the attention of the Senate that I have adopted the theory that the equalization fee is paid by the miller, that being the most practical point. He pays the equalization fee when the wheat is ground into flour and makes his return to the board for the equalization fee, which I have estimated in my illustration to be 11 cents a bushel.

Millers with export customers, or millers desiring to grind for export, can negotiate agreements with the board whereby they can buy wheat at the prevailing market price—or if the board finds it advisable can secure wheat for milling from the export corporation—and sell the flour in export with the assurance that the difference between the price paid for the wheat, including the equalization fee and the lower wheat price abroad controlling the price at which the flour is sold, shall be made up to the millers by the board; that is, if the miller buys his wheat and exports it he has the assurance under the provisions of the contract that the board will make up the losses sustained in that transaction. Mills thus can use their excess capacity in grinding for export, and at the same time the domestic price can be maintained back of the tariff.

Agencies picked by the board—that means if there are not sufficient cooperative organizations with sufficient experience and financial strength to handle the situation created by the operations of the board for two years, the board can create its own agencies, and those are the agencies to which I now make reference—agencies picked by the board can buy up wheat as necessary and feed it out to the world trade either as wheat or flour. If too much is taken off the market so that the price rises until imports commence to flow in, then as much of the storage wheat as necessary should be released to domestic trade.

As another illustration, if the price in America were sufficiently high to attract wheat from the outside, from Argentina or Canada, then the board would necessarily take from that which it had in storage and return it to the domestic market, thereby depressing prices to a point where the flow from the outside would cease.

Mr. GOODING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. McNARY. I do.

Mr. GOODING. It is not possible at any time for the American farmer or wheat grower to get the foreign price plus the full amount of the duty. That will never be done.

Mr. McNARY. The Senator from Idaho was not present when I made my statement relative to that matter. I used in the illustration not the full tariff of 42 cents a bushel, but the basic price of \$1 per bushel for wheat outside. Then I used the 40 cents for the tariff. That, possibly, is not all of the tariff, but I assume it to be 40 cents. As I recall, under the tariff law the duty on wheat is 30 cents a bushel, but by a presidential order it was increased 12 cents, making it 42 cents, leaving still in the President the right to increase the tariff 3 cents additional per bushel. That would be the full tariff duty permitted by existing law, if I am right in the figures; and I think they are correct.

Mr. SACKETT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. McNARY. I yield.

Mr. SACKETT. There is one point which I should like to have the Senator explain that was not quite clear to me during the meetings of the committee. The theory of this bill is that the processor, the miller, for instance, will collect the equalization fee from the farmer at the time he takes over the farmer's wheat, and then that the miller will process the wheat which is going to be used for export and send it abroad. That will have the effect, as I can see, of drawing up the price of wheat in this country, but when the miller exports the flour and takes out of the market the surplus flour, will it not have exactly the same effect in drawing up the price of the domestic flour, as well as that of wheat, and cause a great increase in the cost to the consumer?

Mr. McNARY. Of course, Mr. President, that is one of the objections that is made, that it will result in additional cost to the consumer. The cost of flour will very naturally increase as the price of wheat goes up, but I do not think the Senator need worry about the additional cost of bread to the consumer. While I have not the figures clearly in mind, I know as a member of the Agricultural Committee and from reading that when wheat has brought \$1.60 a bushel or has gone as high as \$3.20 a bushel, actually it has made but little difference to the consumer in the cost of a loaf of bread. I think the chairman of the committee, who has given so much patient time and consideration to these problems, will bear me out in the statement that there has been but little difference in the cost of bread to the consumer when there have been violent fluctuations in the price of wheat.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McNARY. Yes.

Mr. WHEELER. Of course, when a tariff is put upon anything in this country, a manufactured article or anything else, it increases the price to the consumer, does it not?

Mr. McNARY. Certainly, but I think the increase is infinitesimal as compared to the great benefit resulting. I do not think there will be found many business men in the country or members of labor organizations who begrudge a better condition for the farmer, because such a condition will react upon them and they will derive a benefit which, while not as great, will be proportionately as great as the benefit received by the producers themselves.

Mr. GOODING. Mr. President, I may say that the American Federation of Labor has gone on record for this bill.

Mr. SACKETT. Mr. President, it was not the effect on the farmer to which I had reference, but it was the effect upon the miller; whether the miller would not be able to get a very much higher price for the balance of his flour after he had exported the amount made from wheat to be exported from the country. Will it not leave him in a better position to raise his prices still higher? We have not had any complaint from the miller as to the bill, however.

Mr. McNARY. No; and those matters will all be taken care of by the board under contract provided for in the various sections of the bill.

Mr. NORRIS. Mr. President—

Mr. McNARY. I yield to the Senator from Nebraska.

Mr. NORRIS. Not that I think it is very material, but I do not want to let pass by a statement that might later on chance to trouble us. There was very strong opposition to the bill from one branch of the millers. The Minnesota millers were represented before the committee by ex-Representative Anderson, who made a very lengthy and a very able argument in opposition to the bill.

Mr. SACKETT. That was the only opposition, I think.

Mr. NORRIS. I state that not because it is of any importance but because I do not want the statement to go into the Record that there was no opposition presented.

Mr. SIMMONS. That opposition was based on the increase of the price of the raw material, was it not?

Mr. NORRIS. It was not based altogether on that ground; of course, Mr. Anderson based his opposition on other grounds—that it was economically wrong, and so forth.

Mr. McKELLAR. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. I yield.

Mr. McKELLAR. Has the Senator any figures showing the relative prices of wheat and flour through any considerable period of time? Do they not frequently diverge so that when there is a low price for wheat it does not always mean a low price for flour?

Mr. BINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon further yield?

Mr. McNARY. I yield to the Senator from Connecticut.

Mr. BINGHAM. Is it not perfectly true, however, that if we permanently raise the price of wheat we are going permanently to raise the price of flour, and that the housewife who buys a barrel of flour will naturally have to pay more for it?

Mr. McKELLAR. Mr. President, will the Senator from Oregon yield to let me make an observation in reference to that suggestion?

Mr. McNARY. I have the floor and I will yield to the Senator in time.

Mr. McKELLAR. Very well.

Mr. McNARY. I attempted a moment ago to answer the pertinent inquiry of the Senator from Connecticut. I do not think the poor housewife will be disturbed at all by the enactment of this bill. I think she will be happy, indeed, to see the farmers prosper, and that she will not pay one cent more for flour. That is not a personal assurance, however, but an observation.

Mr. McKELLAR. Mr. President, I wish to call attention to another well-known article which we all use. We have now a comparatively low price level for hides out of which shoes are made, and yet we have an enormously high level of prices for shoes; in other words, the price of hides does not fix the price of shoes, and apparently they have no real connection.

Mr. BINGHAM. The Senator must realize that in the case of shoes a long manufacturing process is necessary and that many items enter into the price of a pair of shoes, whereas in this case there is merely the milling process, and I have not as yet in following the Senator's very able argument been quite able to see where the millions of dollars which it is expected to distribute among the farmers are going to come from unless they come from the consumer. So far as I can see, it is not expected that they will come out of the millers' profits.

Mr. McNARY. No; and I have never made that statement.

Mr. BINGHAM. I did not mean to say that the Senator had made the statement; but, frankly, I do not see where the money is going to come from unless it eventually comes from the consumer.

Mr. GOODING. Mr. President—

Mr. McNARY. I yield.

Mr. GOODING. The Senator from Connecticut should know, if he does not know, that the farmers are producing wheat at less than the cost of production. This was found by the investigation of the Tariff Commission when the tariff on wheat was increased from 30 cents to 42 cents a bushel—that the actual cost of the production of a bushel of wheat in the principal wheat-producing States in this country was \$1.40 a bushel on the farm. That is more than the farmers have received for their wheat for a number of years with the exception of last year, when they received about that price. So the question arises, How long are we going to continue to produce wheat in this country if we are going to produce it at a loss? And when we are out of business I want to ask the Senator from the great industrial State of Connecticut to whom he is going to sell his finished products unless we have some farmers in America?

As far as the opposition of the millers is concerned, I heard Mr. Anderson's testimony, and from what I could get from them their greatest objection is that they are afraid there is going to be an intelligent marketing of wheat. At the present time they

go out and buy it, and buy it on grades, and they have a distinct advantage in buying it on grades. The farmer does not get much benefit from the high class of wheat that he produces. Of course they may have to pay a little better price for wheat on an average for the different grades, because it will be sold on grades by an organization that is going to understand what grades of wheat mean to the miller. That is why the millers are objecting to it, and of course you can not blame them at all. I can understand their objections. They are very proper objections so far as the selfish interest of the miller is concerned; but the whole question which is involved is, Can we go on under the present economic conditions which exist with the farmer?

Mr. WALSH. Mr. President—

Mr. McNARY. I yield to the Senator from Montana.

Mr. WALSH. I had no doubt up to this time that the Senator from Connecticut was absolutely right; that if this measure operates to increase the price of the farmer's products the amount of the increase will come out of the consumers of the farmer's products.

Mr. McNARY. There can be no doubt about that.

Mr. WALSH. There can be no doubt about that proposition; but I do not see why the Senator from Connecticut should object to that at all. This legislation is founded upon the idea that the farmer is obliged to pay higher prices for the things he is obliged to buy by reason of the tariff, and the purpose of this bill is to equalize matters. The manufacturers of Connecticut get a higher price for their products than they otherwise would by reason of the tariff. That is the reason for its existence. That increased amount comes out of the consumer; and the proposition is to give the farmer exactly the same opportunity to exact a higher price from the consumer. Upon principle, what objection could the Senator from Connecticut have to that?

Mr. BINGHAM. The Senator will realize that the tariff on wheat certainly makes the price of flour to the consumer higher by 42 cents a bushel. Is that the tariff on wheat?

Mr. McNARY. That is the tariff on wheat.

Mr. WALSH. The basis of this whole legislation is that the tariff is no good at all to the farmer.

Mr. NORRIS. Mr. President, if it be true that the tariff on wheat raises the price of flour 42 cents a bushel now, then this bill will not raise it a particle more, because it is limited as far as wheat is concerned entirely by the amount of the tariff. It is based on the theory that the farmer is not getting the benefit of the tariff. If the farmer is getting the benefit of the tariff, this bill will not raise it a bit, because you can not do any more than the tariff provides for.

Mr. FRAZIER. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. McNARY. I yield to the Senator, though I should like to proceed. I want to finish in a few minutes.

Mr. FRAZIER. I wanted to remark, in connection with the question of the Senator from Connecticut, that according to the figures given by the Senator from Idaho [Mr. GOODING] the other day the consumer pays \$21,000,000,000 for the farm products that he buys, out of which the farmer gets \$7,000,000,000. The traffickers or handlers or processors of the farm products get the other \$14,000,000,000. It does not seem to me that it necessarily will follow, because the farmer gets a fair price for his products, that the consumer must pay more. The \$14,000,000,000 is too wide a spread between the price the producer receives and the price the consumer pays.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from Oregon declines to yield further and desires to proceed without interruption?

Mr. McNARY. Oh, no; I shall be very glad to be generous of the time that is allotted me.

Mr. President, I was discussing the condition of the miller, as he is the unit that I am using for the purpose of paying the equalization fee and the unit through which most of the transactions take place.

A miller buys, grinds, and exports flour from a certain quantity of wheat under contract with the board to reimburse him for losses on the export sale. At the same time an export agency buys the same quantity of wheat and exports it as grain on the same market. The miller pays the equalization fee; the export agency does not; but neither can transact this export business except through contract with the board.

I stated a few moments ago that I assumed that the Federal farm board would operate through what I call a wheat export corporation. That corporation, under contract with the board, would sell abroad the surplus wheat, thereby naturally sustaining a loss which must be paid out of the equalization fund

through the agency of the Federal farm board. At the same time the miller will be grinding much of the wheat, and a lot of the wheat converted into flour will go abroad, for which a loss will be sustained, and it is the miller I am now discussing. What is his position and what is the position of the export corporation or any other export body exporting grain?

There are a great many exporters in existence at the present time. The board may make contracts with these exporters, agreeing to give them their costs and absorb their losses from these transactions in foreign markets. I assume, though, for the purposes of the illustration, that the board organizes its own corporation and calls it a wheat export corporation, to export wheat in a raw state, the millers exporting flour as a finished product.

The difference between the home market on which the purchases are made and the world price, for purpose of illustration, is assumed to be 40 cents per bushel; that is, the mill paid to the man who sold the wheat an average price of 40 cents a bushel above the Canadian price. In addition, the mill transmits 11 cents to the board as the equalization fee. Under its contract with the board the mill recovers not only the 40 cents difference but the 11 cents equalization fee as well. When the board settles with the agency that exported its wheat as grain the agency is allowed only 40 cents per bushel recovery, since no equalization fee had been paid on the grain.

You can see that if the grain does not go into conversion, is not milled into flour, there is no opportunity for it to pay an equalization fee. Necessarily, then, when that grain is sold abroad, the loss is only the loss sustained by virtue of the difference in price at home and abroad; and, not having paid an equalization fee to the board, it is not returned that sum of money by the board. I am illustrating that for the reason that in some of the discussion that I have read there has been a confusion in the minds of some as to why the miller should receive a larger return than the wheat exporter.

When the board settles with the agency that exported its wheat as grain, the agency is allowed only 40 cents per bushel recovery, since no equalization fee has been paid on the grain. Thus the transactions balance, with no advantage either to the miller or to the grain exporter.

In other words, each buyer knows, under his agreement with the board, the basis on which settlement will be made, and neither can bid above the other on the score of the equalization fee. So there can be no ruinous or unfair competition or advantage taken by the miller over the exporter or vice versa. The miller transmits his fee to the wheat equalization fund, but gets it back, together with the balance of the price differential, when he settles with the board. The buyer for export does not transmit a fee, so he has only the price differential to recover when the loss on export sales is settled.

Mr. President, I prefer not to conclude at this time. The Senator from Kansas [Mr. CURTIS] has expressed to me a desire to hold an executive session.

Mr. CURTIS. Mr. President, we could have an hour of legislative session yet before having an executive session.

Mr. NORRIS. Mr. President, I understand that the Senator from Oregon is suffering from a sore throat, and I would not like to see him pushed on.

Mr. CURTIS. I did not want him to be pushed on. I understood that the Senator from Minnesota [Mr. SHIPSTEAD] was ready to go on.

Mr. SHIPSTEAD. Mr. President, I should very much prefer to wait until the Senator from Oregon has concluded his explanation of the bill.

Mr. CURTIS. Then could we temporarily lay aside the measure and go on with the naval air bill?

Mr. NORRIS. Let me say to the Senator from Kansas that I have no objection, of course, if somebody else wants to go on; but I doubt very much whether anybody else wants to go on until the Senator from Oregon has finished, and he can not very well finish to-night, for the reason I have stated.

Mr. CURTIS. What I wanted to suggest was that we temporarily lay aside this measure and go on with the naval air bill, which I understand can be passed within an hour.

Mr. NORRIS. I have no objection to that.

Mr. McNARY. Then if that is the wish—

Mr. WALSH. Mr. President, before we proceed to this other matter, let me suggest that the Senator from Oregon said on yesterday that he proposed at some time to discuss the constitutional aspects of the legislation. When is it his purpose to take up that phase of the matter?

Mr. McNARY. I had hoped that others would be prepared on that subject, though I shall have my own views to state upon the matter. I had hoped other Senators would discuss the mechanical features, the general purposes of the bill, and the need of relief to agriculture within the next few days.

I do not intend to discuss the legal aspects until the first of the week, I will say to the Senator from Montana.

Mr. President, in view of the request of the Senator from Kansas I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the naval air bill, House bill 9690, may be considered.

The PRESIDING OFFICER (Mr. SACKETT in the chair). The Senator from Oregon asks unanimous consent to lay aside temporarily the unfinished business. Is there objection? The Chair hears none.

NAVAL AVIATION

Mr. HALE. I ask unanimous consent for the immediate consideration of House bill 9690, Order of Business 854, to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith.

Mr. OVERMAN. Mr. President, we ought to have a quorum present if we are going to take up that bill. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	George	Lenroot	Schall
Bingham	Gerry	McKellar	Sheppard
Blease	Gillett	McMaster	Shipstead
Borah	Glass	McNary	Simmons
Bratton	Goff	Mayfield	Smoot
Broussard	Gooding	Metcalf	Swanson
Bruce	Hale	Neely	Trammell
Butler	Harrell	Norris	Tyson
Capper	Harris	Oddie	Wadsworth
Caraway	Hedlin	Overman	Walsh
Copeland	Howell	Pepper	Warren
Couzens	Johnson	Pine	Wheeler
Cummins	Jones, N. Mex.	Ransdell	Williams
Curtis	Jones, Wash.	Reed, Mo.	Willis
Deneen	Kendrick	Robinson, Ark.	
Ferris	King	Robinson, Ind.	
Frazier	La Follette	Sackett	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

The Senator from Maine has asked unanimous consent that the Senate proceed to the consideration of House bill 9690. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments: On page 3, line 23, after the word "fly," to insert the words "and fitted to take part in active military operations in time of war"; on page 4, line 12, after the word "construction," to insert the words "of one"; on page 6, line 14, to strike out "\$2,100,000" and insert in lieu thereof "\$1,100,000"; on page 7, line 16, after the word "naval," to insert the word "aviation"; on page 8, line 21, to strike out the word "upon" and insert the word "to"; on page 9, line 3, after the figures "1928," to strike out the words "not less than 30 per cent of the total number of pilots employed in the Navy on aviation duty shall be enlisted men" and to insert the words "the number of enlisted pilots in the Navy shall be not less than 30 per cent of the total number of pilots employed in the Navy on aviation duty"; and on page 9, after line 7, to insert a new section, as follows:

SECTION 4

The office of the Second Assistant Secretary of the Navy is hereby established at a salary of \$7,500 per annum. The Second Assistant Secretary of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties with reference to aviation and such other duties as may be assigned to him by the Secretary of the Navy.

So as to make the bill read:

Be it enacted, etc., That, for the purpose of further developing and further increasing aeronautics in the Navy, the President of the United States is hereby authorized to undertake the construction and procurement of aircraft, spare parts, and equipment for the Navy as enumerated below:

PARAGRAPH 1. During the fiscal year ending June 30, 1927, not to exceed 235 airplanes with spare parts and equipment, to cost not to exceed \$12,285,000: *Provided*, That the number of airplanes and the limit of cost herein specified for the fiscal year ending June 30, 1927, shall be in addition to the 78 airplanes with spare parts and equipment for which the sum of \$3,300,000 is included under the appropriation increase of the Navy in the Navy Department and Naval Establishment appropriation act for the fiscal year ending June 30, 1927.

PAR. 2. During the fiscal year ending June 30, 1928, not to exceed 313 airplanes with spare parts and equipment, to cost not to exceed \$16,223,750.

PAR. 3. During the fiscal year ending June 30, 1929, not to exceed 335 airplanes with spare parts and equipment, to cost not to exceed \$17,582,500.

PAR. 4. During the fiscal year ending June 30, 1930, not to exceed 357 airplanes with spare parts and equipment, to cost not to exceed \$18,941,250.

PAR. 5. During the fiscal year ending June 30, 1931, not to exceed 374 airplanes with spare parts and equipment, to cost not to exceed \$20,046,250; in all, during the five-year period beginning July 1, 1926, and ending June 30, 1931, 1,614 airplanes, with spare parts and equipment, to cost not to exceed \$85,078,750.

PAR. 6. During the fiscal year ending June 30, 1932, and during each fiscal year thereafter, not to exceed 333 airplanes with spare parts and equipment, to cost not to exceed \$17,476,250.

PAR. 7. The number of airplanes, spare parts, and equipment thus authorized to be constructed or procured during the five fiscal years beginning July 1, 1926, and ending June 30, 1931, and the number authorized to be constructed or procured during the fiscal year ending June 30, 1932, and during each fiscal year thereafter is the number which it has been estimated will be required to increase, during a five-year period beginning July 1, 1926, the useful airplanes on hand or otherwise provided for on June 30, 1926, to 1,000 and to maintain the number of useful airplanes at not less than this number, which is hereby established as the authorized number of useful airplanes to be employed in the Navy: *Provided*, That, in the event satisfactory arrangements for the procurement of the authorized number of airplanes are not made in any fiscal year, such deficiency may be made up in the next ensuing year or years: *Provided further*, That "useful airplanes," as used in this act, shall be those airplanes on the Navy list which are, or which after reasonable repairs can be made, in all respects safe to fly and fitted to take part in active military operations in time of war, and shall be exclusive of those airplanes classified as experimental or, with the approval of the Secretary of the Navy, declared obsolete: *Provided further*, That nothing herein shall be construed as more than an authorization for the procurement of aircraft within the limits enumerated in this act, nor in any way to abridge the right of Congress to determine what numbers of aircraft may be appropriated for in any fiscal year within the limits so authorized.

SECTION 2

PARAGRAPH 1. Two rigid airships of a type suitable for use as adjuncts to the fleet and of approximately 6,000,000 cubic feet volume each, at a total cost not to exceed \$8,000,000 for both ships, construction of one to be undertaken as soon as practicable and prior to July 1, 1928: *Provided*, That the two airships herein authorized shall be constructed in the United States: *Provided further*, That one or both of said airships shall be constructed either under contract similar to contracts covering the construction of other vessels for the Navy, or by the Navy Department, as the Secretary of the Navy may deem to be in the best interests of the Government.

PAR. 2. One experimental metal-clad airship of approximately 200,000 cubic feet volume, at a cost not to exceed \$300,000, chargeable to the appropriation provided in the Navy Department and Naval Establishment appropriation act for the fiscal year ending June 30, 1927, for continuing experiments and development work on all types of aircraft: *Provided*, That the metal-clad airship herein authorized shall be procured under contract, only on such terms and subject to such restrictions as the Secretary of the Navy may deem proper: *Provided further*, That to expedite construction of the experimental metal-clad airship, \$300,000 of the sum of \$1,928,000 included in the Navy Department and Naval Establishment appropriation act for the fiscal year ending June 30, 1927, for continuing experiments and development work on all types of aircraft may be made immediately available.

PAR. 3. The Secretary of the Navy is authorized to build at any navy yard or naval factory any of the aircraft, spare parts, or equipment herein authorized should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said aircraft, spare parts, or equipment have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said aircraft, spare parts, or equipment, or should it reasonably appear that any persons, firm, or corporation, or the agents thereof, being solely or peculiarly in position to manufacture or furnish the particular type or design of aircraft, spare parts, or equipment required by the Navy, in bidding on such aircraft, spare parts, or equipment, have named a price in excess of cost of production plus a reasonable profit.

To provide for the construction of the heavier-than-air craft and the lighter-than-air craft herein enumerated and described, except the experimental metal-clad airship, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, including, for the fiscal year ending June 30, 1927, toward the construction of the heavier-than-air craft

program, the sum of not to exceed \$12,285,000, and toward the construction of the two rigid airships, to be available until expended, \$1,100,000, of which sum \$100,000 may be made immediately available.

SECTION 3 (PERSONNEL)

PARAGRAPH 1. That hereafter when the term "naval aviator" is used in this act or any other act it shall mean any commissioned officer or warrant line officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority for naval aviators and who has been or may hereafter be designated or appointed a naval aviator by competent authority and who has flown alone in a heavier-than-air craft not less than 75 hours and who has flown in heavier-than-air craft a total of not less than 200 hours or who has been in the air, under training, in rigid airships not less than 150 hours and successfully completed the course prescribed by competent authority.

PAR. 2. That hereafter when the term "aviation pilot" is used in this act or any other act it shall mean any enlisted man in the Navy or Marine Corps who has successfully completed the course prescribed for aviation pilots and who has been or may hereafter be designated or appointed an aviation pilot by competent authority and who has flown alone in a heavier-than-air craft not less than 75 hours and who has flown in heavier-than-air craft a total of not less than 200 hours.

The term "pilot" shall be construed to mean a naval aviator or an aviation pilot.

PAR. 3. That hereafter when the term "naval aviation observer" is used in this act or any other act it shall mean any commissioned or warrant officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority as a naval aviation observer and who has been in the air not less than 100 hours and who has been or may hereafter be designated or appointed as a naval aviation observer by competent authority in the Navy.

PAR. 4. That hereafter when a line officer of the Navy is to be detailed to the command of a Navy aviation school or of a Navy air station or of a Navy air unit organized for flight tactical purposes he shall be a naval aviator.

PAR. 5. Line officers detailed to command of aircraft carriers or aircraft tenders shall be naval aviators or naval aviation observers who are otherwise qualified.

PAR. 6. That any officer of the Navy, line, or staff of the permanent rank or grade of commander or lieutenant commander at the time of the passage of this act who has specialized in aviation for such a period of time as to jeopardize his selection for promotion or advancement to the next higher grade or rank under existing provisions of law and whose service in aviation has been in the public interest shall be so notified by the Secretary of the Navy and at his own request be designated as an officer who will be carried as an additional number in the next higher grade or rank not above the grade of captain if and when promoted or advanced thereto: *Provided*, That selection boards in cases of such officers shall confine their consideration to the fitness alone of such officers for promotion, not to the comparative fitness of such officers.

PAR. 7. That hereafter when a line officer of the Marine Corps is to be detailed to the command of a Marine Corps aviation school or of a Marine Corps air station or of a Marine Corps air unit organized for flight tactical purposes he shall be a Marine Corps aviator.

PAR. 8. On and after July 1, 1928, the number of enlisted pilots in the Navy shall be not less than 30 per cent of the total number of pilots employed in the Navy on aviation duty.

SECTION 4

The office of the Second Assistant Secretary of the Navy is hereby established at a salary of \$7,500 per annum. The Second Assistant Secretary of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties with reference to aviation and such other duties as may be assigned to him by the Secretary of the Navy.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXPENSES OF FEDERAL TRADE COMMISSION INVESTIGATIONS

Mr. JONES of Washington. Mr. President, I had intended to speak briefly with reference to the resolution of the Senator from Florida [Mr. TRAMMELL] this morning, but I was necessarily absent, and the resolution was passed before I got through with the work I had to attend to and could come to the Chamber.

I now ask to have inserted in the Record a statement showing the expenditures that have been caused by investigations carried on by the Federal Trade Commission from March 16, 1915, to March 31, 1926. I just ask Senators to try to think of

any substantial good that has come to the country from any of those investigations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

APRIL 22, 1926.

Costs of investigations since the organization of the Federal Trade Commission

(Mar. 16, 1915, to Mar. 31, 1926)

Fertilizer (S. Res. 487, 62d Cong., 3d sess.; report issued Aug. 19, 1916)	\$9,286.28
Pipe lines (S. Res. 109, 63d Cong., 1st sess.; report issued Feb. 28, 1916)	100,675.88
Gasoline (S. Res. 457, 63d Cong., 2d sess. (costs included in pipe lines); report issued Apr. 11, 1917)	
Sisal hemp (S. Res. 170, 64th Cong., 1st sess.; report issued May 9, 1916)	2,111.55
Anthracite (S. Res. 217, 64th Cong., 1st sess.; report issued June 20, 1917)	50,447.17
Bituminous coal (H. Res. 352, 64th Cong., 1st sess.; report issued June 20, 1917)	10,108.92
Newsprint paper (S. Res. 177, 64th Cong., 1st sess.; report issued June 13, 1917)	3,688.40
Book paper (S. Res. 269, 64th Cong., 1st sess.; report issued Aug. 21, 1917)	1,074.55
Flags (S. Res. 85, 65th Cong., 1st sess.; report issued July 26, 1917)	806.74
Meat packing profit limitations (S. Res. 177, 66th Cong., 1st sess.; report issued Aug. 23, 1919)	3,024.61
Farm implements (S. Res. 223, 65th Cong., 2d sess.)	104,665.78
Milk (S. Res. 431, 65th Cong., 3d sess.; report issued June 6, 1921)	65,432.70
Cotton yarn (H. Res. 451, 66th Cong., 2d sess.; report issued Apr. 14, 1921)	54,721.85
Pacific coast petroleum (S. Res. 138, 66th Cong., 1st sess.; report issued Apr. 7, 1921)	61,282.30
Petroleum prices (H. Res. 501, 66th Cong., 2d sess.; report issued June 1, 1920)	9,900.45
Commercial feeds (S. Res. 140, 66th Cong., 1st sess.; report issued Mar. 29, 1921)	42,453.21
Sugar supply (H. Res. 150, 66th Cong., 1st sess.; report issued Nov. 15, 1920)	42,453.21
Southern livestock prices (H. Res. 133, 66th Cong., 1st sess.; report issued Feb. 2, 1920)	4,221.36
Shoe costs and prices (H. Res. 217, 66th Cong., 1st sess.; report issued June 10, 1921)	47,858.48
Tobacco prices (H. Res. 533, 66th Cong., 2d sess.; report issued Dec. 11, 1920)	11,147.32
Tobacco prices (S. Res. 129, 67th Cong., 1st sess.; report issued Jan. 17, 1922)	25,035.41
Export grain (S. Res. 133, 67th Cong., 2d sess.; report issued May 16, 1922)	103,703.14
House furnishings (S. Res. 127, 67th Cong., 2d sess.; report issued Jan. 17, 1923)	133,048.69
Flour milling (S. Res. 212, 67th Cong., 2d sess.; report issued May 16, 1924)	16,834.26
Cotton trade (S. Res. 262, 67th Cong., 2d sess.; report issued Apr. 28, 1924)	89,866.80
Fertilizer (S. Res. 307, 67th Cong., 2d sess.; report issued Mar. 3, 1923)	2,878.49
Foreign ownership in petroleum industry (S. Res. 311, 67th Cong., 2d sess.; report issued Feb. 12, 1923)	5,697.83
Cotton trade (S. Res. 429, 67th Cong., 4th sess.; costs included, S. 262, 67th Cong., 2d sess.; report issued June 17, 1922)	
National wealth (S. Res. 451, 67th Cong., 4th sess.; report issued June 6, 1924)	147,579.04
Calcium arsenate (S. Res. 417, 67th Cong., 4th sess.; report issued Mar. 3, 1923)	2,845.81
Radio (H. Res. 548, 67th Cong., 4th sess.; report issued Dec. 1, 1925)	2,481.80
Bread (S. Res. 163, 68th Cong., 1st sess.; report not yet issued)	101,828.10
Cotton-merchandising practices (S. Res. 252, 68th Cong., 1st sess.; report issued Jan. 20, 1925)	6,192.47
Packer consent decree (S. Res. 278, 68th Cong., 2d sess.; report issued Feb. 20, 1925)	3,907.35
Empire cotton-growing corporation (S. Res. 317, 68th Cong., 2d sess.; report issued Feb. 28, 1925)	1,714.06
American Tobacco and Imperial Tobacco Co. (S. Res. 239, 68th Cong., 2d sess.; report issued Jan. 7, 1926)	5,262.34
Electric power industry (S. Res. 329, 68th Cong., 2d sess.; report not yet issued)	54,981.89
Open price associations (S. Res. 28, 69th Cong., special sess.; report not yet issued)	4,580.56
Cooperative associations (S. Res. 34, 69th Cong., special sess.; report not yet issued)	2,004.62
Food inquiry (direction of the President, Feb. 1, 1917):	
Meat industry	\$245,505.96
Grain trade	246,102.94
Flour industry	53,475.55
Canning industry	108,581.10
Total	653,665.55

The following reports were made:

Meat packing, June 30, 1919.	
Grain trade, Sept. 15, 1920.	
Flour industry, Apr. 4, 1918.	
Canned foods, May 15, 1918.	
Wholesale marketing of foods, June 30, 1919.	
Private car lines, June 27, 1919.	
Trade and tariffs in South America (by direction of the President, December, 1915; report issued June 30, 1916)	7,304.24

War time cost finding (direction of the President, July 25, 1917. This work covered about 77 commodities. Reports on the following were issued: Copper costs, June 30, 1919; woolen-rag trade, June 30, 1919; coal costs, June 30, 1919; canned-food costs, Nov. 15, 1921; war-time lumber costs, May 1, 1922)	\$1,326,502.14
Wheat prices (direction of the President, Oct. 12, 1920; report issued Dec. 13, 1920)	4,253.87
Gasoline (direction of the President, Feb. 7, 1924; report issued June 4, 1924)	26,489.72
Lumber associations (requests of the Attorney General. Reports issued as follows: Lumber Manufacturers' National and Regional Associations, Jan. 10, 1921; Southern Pine Association of New Orleans, Feb. 18, 1921; Douglas Fir Lumber Manufacturers' and Loggers' Association, June 9, 1921; Western Pine Manufacturers' Association of Portland, Oreg., Feb. 15, 1922; Western Red Cedar Association, Lifetime Post Association, and Western Red Cedarmen's Information Bureau, Jan. 24, 1923; Northern Hemlock and Hardwood Manufacturers' Association, May 7, 1923)	28,604.81
Total	3,382,593.75

MISSOURI RIVER BRIDGE

Mr. BINGHAM. At the request of the junior Senator from Nebraska [Mr. HOWELL] I report back favorably from the Committee on Commerce with an amendment the bill (S. 4293) granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River, and I submit a report (No. 991) thereon.

Mr. HOWELL. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 2, after line 2, to strike out sections 2 and 3 and insert:

SEC. 2. There is hereby conferred upon the cities of Omaha, Nebr., and Council Bluffs, Iowa, their successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State; and the proceedings therefor shall be the same as in the condemnation or expropriation of property in such State.

SEC. 3. The said cities of Omaha, Nebr., and Council Bluffs, Iowa, their successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between Omaha, Nebr., and Council Bluffs, Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the cities of Omaha, Nebr., and Council Bluffs, Iowa, their successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which

such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property in such State.

SEC. 3. The said cities of Omaha, Nebr., and Council Bluffs, Iowa, their successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE

Mr. BINGHAM. At the request of the senior Senator from Indiana [Mr. WATSON] I ask unanimous consent to report back favorably from the Committee on Commerce with an amendment the bill (S. 3967) authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind., and I submit a report (No. 992) thereon. At the request of the senior Senator from Indiana, I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and in lieu thereof to insert:

That the consent of Congress is hereby granted to Edward T. Franks, his legal representatives and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation between the city of Owensboro, Daviess County, Ky., and Rockport, Spencer County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 13, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said Edward T. Franks, his legal representatives and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Edward T. Franks, his legal representatives and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Kentucky, the State of Indiana, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in

value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof, as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Edward T. Franks, his legal representatives and assigns shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said Edward T. Franks, his legal representatives, and assigns shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Edward T. Franks, his legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that, under the order previously entered, the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

NAMING A PRESIDING OFFICER

The Chief Clerk read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., June 3, 1926.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HIRAM BINGHAM, a Senator from the State of Connecticut, to perform the duties of the Chair this legislative day.

GEORGE H. MOSES,
President pro tempore.

Mr. BINGHAM thereupon took the chair as Presiding Officer.

THE CALENDAR

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement entered into on June 2, the Senate

will now proceed to the consideration of unobjected bills on the calendar under the five-minute rule, beginning with Calendar No. 871. When the call of the calendar is concluded for unobjected bills the Senate will proceed to the consideration of the calendar under Rule VIII, and the evening session will not continue later than 11 o'clock. The clerk will state the first bill.

H. H. HINTON

The bill (H. R. 7809) for the relief of H. H. Hinton was announced as first in order.

Mr. JONES of Washington. Mr. President, there seems to be quite a large sum involved. May we have some explanation of the bill?

Mr. DENEEN. Mr. President, in this case there was a robbery of the post office. The inspectors of the Post Office Department made a very careful investigation. They found they had a good case and that the postmaster had taken the precaution to rent a safety deposit box at a bank and had filled it completely with valuables under his care. I think one of the inspectors helped him to select the more valuable ones and put them in the box. The burglary was committed by knocking off the knob, pouring glycerine into the crack, exploding it, and blowing up the safe. The department investigated it, and the bill is reported on favorably by the Postmaster General. The committee felt that it was a proper bill.

There being no objection, the bill was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of H. H. Hinton, postmaster at Lumberton, Miss., in the sum of \$16,609.36, due the United States on account of postage stamps, war savings certificate stamps, and war-tax revenue stamps, which were lost as the result of burglary on May 24, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEWSON L. PEEKE

The bill (H. R. 8602) for the relief of Hewson L. Peeke was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$100 to Hewson L. Peeke, in full of all claims he may have against the Government for injuries received by him in the United States customhouse building at Sandusky, Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATALIE SUMMERS

The bill (H. R. 9135) for the relief of Natalie Summers was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I have examined the bill. It appears to be for the purpose of reimbursing the widow of a consul general for expenses incurred in the administration of his estate on account of premiums paid for bonds as administratrix. I do not believe that it is wise to set a precedent of that character by the Federal Government paying premiums on bonds in cases of this nature. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

CAPT. GEORGE G. SEIBELS

The bill (H. R. 912) for the relief of Capt. George G. Seibels, Supply Corps, United States Navy, was considered as in Committee of the Whole and read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Capt. George G. Seibels, Supply Corps, United States Navy, out of any funds not otherwise appropriated, the sum of \$170, said sum being the amount of restitution made by the said Capt. George G. Seibels, Supply Corps, United States Navy, out of his private funds on account of money stolen from weekly pay envelopes without collusion on the part of said Capt. George G. Seibels, Supply Corps, United States Navy, which funds had been prepared in pay envelopes and extracted therefrom by party or parties unknown to claimant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS DUREY

The bill (H. R. 8846) for the relief of Cyrus Durey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit in the account of Collector

of Internal Revenue Cyrus Durey, fourteenth New York district, in the sum of \$499.25, to cover disallowances due to payments made to Deputy Collector Manning Kested for subsistence expenses and car fare incurred in the months of October, November, and December, 1923, and January, February, March, April, and July, 1924.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GERALDINE KESTER

The bill (H. R. 5441) for the relief of Geraldine Kester was announced as next in order.

Mr. JONES of Washington. Mr. President, we have been giving \$5,000 heretofore for the loss of a life. I would like to have some explanation of the reason why we should give \$5,000 for an injury in this case. It appears to be a bad injury, involving the amputation of a limb, but it looks like there is not quite enough difference between the loss of a limb and the loss of a life as represented by this bill.

Mr. ROBINSON of Arkansas. I recall one case in which the Senate reduced an appropriation for the loss of a life from \$7,500 to \$5,000. A bill carried an authorization in another case of \$5,000, and the Senate committee reduced the amount to \$2,000, and the bill passed.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

WILLIAM J. NAGEL

The bill (H. R. 7522) for the relief of William J. Nagel was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit to the account of William J. Nagel, former postmaster at Detroit, Mich., the sum of \$177.55, being the amount of a deficit which existed due to the misappropriation of funds in said office for which he was in no way responsible and without fault or negligence on his part, and for which amount his account was debited.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. HOHL

The bill (H. R. 7523) for the relief of John G. Hohl was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John G. Hohl, postal savings clerk, Detroit, Mich., the sum of \$50, being the amount of a wrong payment on postal savings certificate, which was not due to any negligence on his part, and for which his salary has been debited.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. LUTHER PINDER

The bill (H. R. 5332) for the relief of T. Luther Pinder was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to T. Luther Pinder, of Monroe County, Fla., the sum of \$8,000, out of any money in the Treasury not otherwise appropriated, as compensation for the total loss of pilot boat No. 7 (*Eola*), caused by being set on fire by the drifting Coast Guard harbor launch AB-3 (*Cossack*) on the morning of May 9, 1925, in the harbor of Key West, Fla.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF W. J. S. STEWART

The bill (H. R. 2715) for the relief of the widow of W. J. S. Stewart was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the widow of W. J. S. Stewart, deceased, the sum of \$1,200, being the amount expended for the transportation of the body of the deceased from La Guaira, Venezuela, to New York City, State of New York.

Mr. OVERMAN. Is it clear that the party was in Foreign Service?

Mr. SWANSON. Yes; he was in Foreign Service. The department has recommended the payment of the bill.

Mr. OVERMAN. I have no objection to its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY McNEIL

The bill (H. R. 2993) for the relief of Harry McNeil was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Harry McNeil, of San Francisco, Calif., being a refund on account of the forfeiture of a Liberty bond and which through error on the part of the clerk of the United States District Court of San Francisco was deposited in the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MILTON PEW

The bill (H. R. 1538) for the relief of John Milton Pew was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Milton Pew the sum of \$114 to reimburse him for cash advanced to pay forest-fire fighters employed by the United States Forest Service during a fire in San Jacinto Mountains, Calif., which occurred in October, 1922.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUPHINA M. ARMENTROUT

The bill (H. R. 5341) for the relief of Ruphina M. Armentrout was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. SWANSON. Mr. President, I hope the Senator will withhold his objection. This is the case of the killing of a citizen by a soldier who was guarding a train. The bill originally called for an appropriation of \$10,000, but the committee recommended a reduction to \$5,000. The bill has passed the House.

The PRESIDING OFFICER. Objection having been made, the bill will go over.

Mr. SWANSON. May I ask who made the objection?

The PRESIDING OFFICER. The Senator from Missouri [Mr. WILLIAMS].

Mr. WILLIAMS. I made the objection because there is no recommendation by the Secretary of War.

Mr. SWANSON. The Secretary of War reported that inasmuch as many claims of this kind had been paid this party is as much entitled to payment as any. The man left three children. He was killed by the negligence of a soldier who was guarding the railroad for the Government.

Mr. ROBINSON of Arkansas. Mr. President, I call the attention of the Senator from Missouri to the fact that the report is favorable rather than adverse. I call the Senator's attention to the last paragraph of his letter.

Mr. WILLIAMS. I have read the last paragraph.

Mr. ROBINSON of Arkansas. The last paragraph of the letter of the Secretary of War dated February 2, 1926, reads as follows:

Under the circumstances of this case I do not feel disposed to interpose any objections to granting Mrs. Armentrout some relief, but since the matter is purely within the discretion of the Congress I do not feel that I should make a recommendation in the matter.

The implication of the Secretary's report is that it is a just claim and that relief should be afforded. The Secretary of War usually refrains from making a recommendation in such cases.

Mr. WILLIAMS. Very well; I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ruphina M. Armentrout the sum of \$5,000, in full satisfaction of all claims against the United States on account of her husband, W. G. Armentrout, having been accidentally shot and killed while performing his duties as section foreman on the Chesapeake & Ohio Railroad by a soldier who at the time of the accidental shooting was in the service of the United States guarding the Chesapeake & Ohio Railroad property in Virginia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

B. G. OOSTERBAAN

The bill (H. R. 1961) for the relief of B. G. Oosterbaan was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit to the account of B. G. Oosterbaan, postmaster at Muskegon, Mich., in the sum of \$8,099.28 and certify said credit to the General Accounting Office, being the amount of the deficit existing at present in said postmaster's accounts due to the misappropriation of funds in said office for which he was in no way responsible and without fault or negligence on his part.

Mr. ROBINSON of Arkansas. Mr. President, this is an important bill, and I suggest that some one who is familiar with the circumstances which justify it should make a brief statement about it.

Mr. FERRIS. Mr. President, the letter of the Postmaster General is a very clear and concise statement of the circumstances under which the loss occurred. Mr. Oosterbaan went into the post office in 1915. In 1920 he was checked up, and it was discovered that 1-cent stamps had been substituted for 2-cent stamps to the extent of 50,000, and that similar acts had been committed with reference to 3-cent stamps by substituting 2-cent stamps. The assistant postmaster had been embezzling from the post office for approximately 10 years. That is admitted and is clearly stated. It is difficult for a postmaster to ascertain such losses; indeed, it would be an extraordinary thing, because the post office is examined from time to time and the stamps checked up and regarded as correct thereafter; but when this particular check was made it was found there was a shortage. The committee had the following to say with reference to the matter:

While it is not a part of the duties of your committee to make suggestions or comments upon matters outside of claims, it is the sense of the committee that rules and regulations or laws should be enacted to relieve an intolerable situation as suffered by the claimant in question.

Postmasters of the country are held responsible for the acts of negligence and theft of employees under them. They have no voice in the appointment of their assistants. They are obliged to take those who are assigned by the department and certified by the Civil Service Commission.

It is the belief of the committee that this is not only a rank injustice to the postmasters but results in great loss to the Government. It is not right to hold a postmaster responsible for the acts of his assistants when he has no voice in their appointment.

This matter was brought up in the Sixty-eighth Congress, and on account of there being no special recommendation by the Postmaster General it was objected to.

Mr. ROBINSON of Arkansas. I think the Senator has justified the bill, and I have no objection to its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. JOSEPH CHATTERTON

The bill (H. R. 1594) for the relief of F. Joseph Chatterton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. Joseph Chatterton, of New Haven, Conn., the sum of \$2,467.77 in full settlement against the Government for injuries sustained May 17, 1922, when struck by a United States motor cycle.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIE J. RICE

The bill (H. R. 4158) for the relief of Sophie J. Rice was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$167.12 to Sophie J. Rice, to reimburse said Sophie J. Rice for the shortage of postage stamps while she was serving as postmaster of the King City, Calif., post office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER KENT, JR.

The bill (H. R. 7024) for the relief of Walter Kent, jr., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Walter Kent, jr., in full compensation against the Government for damages sustained as the result of an accident caused by an Army truck.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES FIDELITY & GUARANTY CO.

The bill (H. R. 9237) to reopen, allow, and credit \$1,545 in the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for memorial tablet in the Army War College, as authorized by the act of March 4, 1923, and certify the same to Congress, and to reimburse the United States Fidelity & Guaranty Co. the amount paid by that surety company to the Government to settle said accounts, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to reopen the accounts of Maj. Harry L. Pettus, Quartermaster Corps (now deceased), for services and materials in cutting and setting one granite memorial tablet in the Army War College and allow credit in the sum of \$1,545 in settlement of said accounts in accordance with the act (Private, No. 266, 67th Cong.), approved March 4, 1923; and be it further enacted that the sum of \$1,545 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse the United States Fidelity & Guaranty Co., surety on the official bond of Maj. Harry L. Pettus, being the amount paid by said surety company to the Government on account of the disallowances previously made in Major Pettus's account.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GAME SANCTUARIES IN NATIONAL FORESTS

The bill (S. 1147) to establish game sanctuaries in the national forests was considered as in Committee of the Whole.

Mr. WILLIAMS. Mr. President, is there not something missing in line 22 on page 4 of the bill?

Mr. ROBINSON of Arkansas. Mr. President, I was called out of the Chamber for a moment, and my attention has just been called to the bill now before the Senate.

Mr. WILLIAMS. There seems to be an amount missing on page 2, line 22, after the word "exceeding."

Mr. WALSH. Mr. President, this bill introduces a principle which I should not like to admit without further consideration, namely, that the Government of the United States may, if it sees fit, prevent the taking of any game upon any public land of the United States. Possibly the Government of the United States has such power; but if so, its consequence is too far-reaching to admit it without very serious consideration. I therefore object to the consideration of the bill.

The PRESIDING OFFICER. Being objected to, the bill will be passed over.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator from Montana will withhold his objection for just a moment, I desire to say that the purpose of the bill is to authorize the establishment in the national forests of game sanctuaries. The bill is a conservation measure. Of course the policy of the proposed act is to prevent the taking of game within the areas designated as sanctuaries, and I think that there is no doubt about the power of the Government to do that when authorized by act of Congress.

Mr. WALSH. It is a very serious question. With respect to those areas over which the Government of the United States exercises exclusive jurisdiction, such as the national parks, there is no doubt about the right of the Government of the United States to legislate, just the same as with respect to the District of Columbia, but here is an area which is not under the exclusive jurisdiction of the United States at all. Under ordinary circumstances all game laws of the States are applicable in respect to lands owned by the United States just the same as they are with respect to lands owned by private parties. I merely desire to add I should not have the slightest objection to the bill if it provided that the game sanctuaries should be approved or set apart as well by the State authorities.

Mr. BRATTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH. I yield.

Mr. BRATTON. I think the bill expressly so provides.

Mr. ROBINSON of Arkansas. That is my recollection.

Mr. BRATTON. The bill provides, on page 1, in line 7, "and with the approval of the State legislatures of the respective States in which said national forests are situated."

Mr. WALSH. I thank the Senator for calling my attention to that language in the bill.

Mr. ROBINSON of Arkansas. I myself thought that it would be necessary to have such a provision in the bill.

The PRESIDING OFFICER. Does the Chair understand that objection to the consideration of the bill is withdrawn?

Mr. WALSH. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment in section 2, page 2, line 15, after the word "wild," to strike out the word "animals" and to insert "animal or bird," so as to make the bill read:

Be it enacted, etc., That for the purpose of providing breeding places for game animals on lands in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified areas within said forests as game sanctuaries or refuges, which shall be devoted to the increase of game animals of all kinds naturally adapted thereto, but it is not intended that the lands included in such game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are authorized to be established.

Sec. 2. That when such game sanctuaries or refuges have been established as provided in section 1 of this act, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animal or bird for any purpose whatever upon the lands of the United States within the limits of said game sanctuaries or refuges shall be unlawful except as hereinafter provided, and any person violating any provision of this act or any of the rules and regulations made under the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction in any United States court be fined in a sum of not exceeding —, or imprisonment not exceeding six months, or both.

Sec. 3. That the Secretary of Agriculture shall execute the provisions of this act, and he is hereby authorized to make all needful rules and regulations for the administration of such game sanctuaries or refuges in accordance with the purpose of this act, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wild life or agriculture within the limits of said game sanctuaries or refuges.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, let me call the attention of the Senator from Arkansas to the hiatus in line 22, on page 2.

Mr. ROBINSON of Arkansas. On page 2, line 22, I move to fill the blank after the word "exceeding" by inserting "\$100."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN ROCKY MOUNTAIN NATIONAL PARK

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9390) to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo.

Mr. WILLIS. Mr. President, this seems to be a rather important measure in that, from the little examination I have been able to give it, it purports to take certain lands from the national-park system. I think there ought to be some explanation of the bill.

Mr. WALSH. Mr. President, I am not familiar with the provisions of this particular bill, but a considerable number of bills have been approved by the Public Lands Committee of the Senate for the readjustment of the boundaries of the national parks. Take the Yellowstone National Park, for instance. That park was laid out in rectangular shape, and thus an area which ought to be included in the park was not included and other areas which had no business to be included in the park were so included. A bill was passed to readjust the boundaries of that park. Another bill was passed to adjust the boundaries of the Mount Rainier National Park in the State of Washington. This bill is of the same character.

Mr. WILLIS. Mr. President, can the Senator from Montana state as to this bill whether or not it provides for or permits any encroachment upon the national parks?

Mr. NORBECK and Mr. ROBINSON of Arkansas addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield, and, if so, to whom?

Mr. ROBINSON of Arkansas. If the Senator from Montana and the Senator from Ohio will permit me, I desire to say that I have discovered from reading a portion of the report on this bill the following:

Growing out of the proposed change, some small subdivisions of publicly owned land aggregating less than 640 acres will be eliminated from the park and it is proposed shall be included within the adjoining Colorado National Forest.

It appears that the bill is merely for the purpose of rectifying a boundary and does not involve the exchange of large areas of land.

Mr. WILLIS. I have no objection to the bill.

Mr. WALSH. Mr. President, I have merely made a brief explanation of the bill. I am not interested in it; but, as neither of the Senators from Colorado is present, I ask that it may go over.

Mr. NORBECK. Mr. President, I wish to state, first, that both the Senators from Colorado are in favor of the bill and the department recommends its passage. There are two kinds of eliminations provided for in the bill and no additions. About 11,000 acres of privately owned land along the boundary are to be eliminated, and 640 acres of Government land are to be transferred to the adjoining Colorado National Forest.

The PRESIDING OFFICER. Does the Chair understand the Senator from Montana to request that the bill shall go over?

Mr. WALSH. I do not. I see that the Senator from Colorado is now in the Chamber.

Mr. MEANS. Mr. President, I wish to assure the Senator from Montana that the explanations which have been made relative to this bill are correct. Its object is merely for the correction of a boundary line. The Senators from Colorado have no objection to make to the bill and think it will operate for the better administration of the park.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPERIMENT STATION AT MANDAN, N. DAK.

The bill (S. 1472) to provide for the establishment of a dairy and livestock experiment station at Mandan, N. Dak., was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, in section 2, on page 2, line 3, after the words "sum of," to strike out "\$200,000" and to insert "\$25,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to establish at Mandan, N. Dak., a dairy and livestock experiment station, in connection with the Great Plains Experiment Station, for investigations and experiments in the dairy and livestock industries and the problems pertaining to the establishment and development of such industries, and for demonstrations, assistance, and service in livestock breeding, growing, and feeding.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary, to carry out the provisions of this act, including the acquisition of suitable lands, the construction of buildings, the purchase of livestock and breeders, and the employment of necessary persons.

Mr. TRAMMELL. Mr. President, I should like to ask why this appropriation is provided, especially for an experiment station of this character? I should like to know why that is being done and what necessity there is for it?

Mr. FRAZIER. Mr. President, at the present time there is a Government experiment station at Mandan known as the Great Plains Station, which conducts experiments especially as to the kind of trees which may be cultivated and successfully raised in that section of the country, and also garden vegetables and small fruits. This bill is to provide in connection with that experiment station a further experiment station for livestock and livestock products, especially dairy products. Mandan is located in a section of North Dakota which is particularly adapted to dairying, and considerable dairying is being carried on there. The farmers feel that if they could have an experiment station to determine the best breeds of cattle to be raised there, the best kind of feed, and so forth, it would be of great assistance to them.

The amount proposed to be appropriated is reduced from \$200,000 to \$25,000, under the impression that it will not be necessary to buy any land at the present time; that the land which is now owned by the experiment station there will be sufficient to supply the new station for a time at least.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from North Dakota if substantially the same kind of work is not carried on at the agricultural college in North Dakota?

Mr. FRAZIER. There is something of the same kind being carried on at the agricultural college, but that is 200 miles farther east in the Red River Valley. Mandan is out on the plains west of the Missouri River.

Mr. WALSH. Of course, I know that.

Mr. FRAZIER. And there is quite a difference in climate, in soil, and in the character of grasses which grow there; the conditions are altogether different than they are at the agricultural college in the Red River Valley.

Mr. WALSH. It seems to me that this bill is along the line of dividing the resources of the State.

Mr. FRAZIER. That may be—

Mr. WALSH. Of course, Montana is larger than is North Dakota, and dairying is dairying.

Mr. FRAZIER. Dairying is quite a different proposition in the semiarid regions than it is in the Red River Valley, where there is plenty of moisture and plenty of hay and feed for cattle.

Mr. TRAMMELL. Mr. President, I do not like to object, but if the National Government is to spread out in the different States and establish substations for experimental purposes in connection with livestock, dairying, and so on, I think the only just and equitable plan to follow in a program of that kind is to treat all the States alike.

I doubt very much if Congress would agree, for instance, that in my State we should have an experiment station of this character established at the subexperiment station at Miami, Fla., which is 300 miles away from the State university and the experiment station there.

I dislike to oppose anything which the Senator from North Dakota favors, but I think when we shall deal alike with the different localities and different sections of our country, instead of discriminating in favor of one State and one locality in establishing such stations, then we will approach nearer a proper basis for legislation. I do not approve of the present policy.

I see that this bill has the approval of the Director of the Budget as not conflicting with the financial program of the President. On two different occasions I have introduced a bill here, and it is now pending before the Committee on Commerce, providing a small appropriation of \$25,000 for a survey of the natural oyster beds in the waters of Florida. That survey has been recommended by the Department of Commerce and by the Bureau of Fisheries on two different occasions, and the recommendation has come to the committee; but the Director of the Budget, wanting to make a rubber stamp out of Congress—and that is what the Budget system amounts to, in many instances—says it does not come within the financial program of the President. So, although a measure of that kind has been pending for three years, I am unable to get it through, because I am unable to secure the indorsement of the Director of the Budget, when thousands and hundreds of thousands of dollars have been spent in other localities on the coast for the very identical purpose.

I asked for an appropriation of \$10,000 at one time and \$25,000 at another for cooperation on the part of the Federal Government for the maintenance of an experimental farm in the Florida Everglades, the State contributing the land, the State contributing the sum of probably \$50,000 a year for that purpose in this vast territory where experiments are necessary, for, although the soil is rich and productive, very few crops have been grown on it. I was unable to get an appropriation of that character. I was told, "Confine yourself to the experiment station 200 miles away from there." I say, let them confine themselves in this instance to the agricultural experiment which has already been established. I object to the consideration of the bill.

The PRESIDING OFFICER. Under objection, the bill goes over.

LEASE OF LAND TO CUSTER COUNTY, MONT.

The bill (S. 2878) authorizing the Secretary of Agriculture to lease to the county of Custer, State of Montana, a tract of land in the United States Department of Agriculture range livestock experiment station, in the State of Montana, for the removal of gravel, was announced as next in order.

Mr. WALSH. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RANGE LIVESTOCK EXPERIMENT STATION, MONTANA

The bill (H. R. 8715) to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of

land in the United States Department of Agriculture range livestock experiment station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPERTY AT LOWELL CREEK, ALASKA

The joint resolution (H. J. Res. 100) to authorize the Secretary of War to expend not to exceed \$125,000 for the protection of Government property adjacent to Lowell Creek, Alaska, was announced as next in order.

Mr. HOWELL. I ask that the joint resolution go over.

Mr. WILLIS. Mr. President, I desire to make a very brief statement concerning the joint resolution. It was reported by the Senator from North Dakota [Mr. NYE] who, unfortunately, is absent. The joint resolution was very carefully considered by the Committee on Territories and Insular Possessions, and, after full consideration, the committee was of the opinion that this appropriation was justified.

I wish to call the attention of the Senator from Nebraska to the fact that the joint resolution does not appropriate any money at all, but merely authorizes an appropriation with the condition that the local people shall themselves supply \$25,000.

The reason for the appropriation is that the Government has property there which is overflowed, and it is thought that this appropriation is a wise expenditure, because it will be a protection to Government property.

Mr. JONES of Washington. Mr. President, I should like to suggest to the Senator from Nebraska that I visited this locality three years ago this summer, I think, and looked especially into this situation; and I think the passage of this bill is imperative for the protection of Government property in connection with the Government railroad. Unless something is done to control the floods that come down this canyon it is very likely that the road will go away very soon.

I hope the Senator will withdraw his objection. I think action of this kind is imperative.

Mr. HOWELL. Mr. President, I also visited this point some two years ago and am somewhat familiar with this creek, and I do not think any more money should be spent upon that railroad extending from the arm of the sea above Anchorage down to this point. That railroad line ought to be abandoned, and every dollar that we put in there is another reason for continuing the operation of that line.

The PRESIDING OFFICER. Objection has been made, and the bill will be passed over.

Mr. WILLIS. Mr. President, I want to make this additional statement: I have just been advised that the council of the village of Seward have authorized the statement that they are ready to supply their portion of the appropriation, \$25,000.

I ask unanimous consent that the report of the committee be printed in the RECORD at this point for the information of the Senate.

The PRESIDING OFFICER. Without objection, the report will be printed in the RECORD.

The report (No. 889) submitted by Mr. NYE on the calendar day of May 19, 1926, is as follows:

[S. Rept. No. 889, 69th Cong., 1st sess.]

(Report to accompany H. J. Res. 100)

The Committee on Territories and Insular Possessions, to whom was referred H. J. Res. 100, to authorize the Secretary of War to expend not to exceed \$125,000 for the protection of Government property adjacent to Lowell Creek, Alaska, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

On page 1, line 4, after the figures "\$125,000," insert "out of any moneys hereafter appropriated for such purposes"; and at the end of line 2, page 2, strike out the period and insert a comma in lieu thereof and the words "Provided, That \$25,000 of the above amount shall be contributed and paid in by the town of Seward and other local interests to be benefited by the proposed improvement before said work is commenced."

The reports of the Departments of War and Interior are hereto attached:

THE SECRETARY OF THE INTERIOR,
Washington, May 6, 1926.

HON. FRANK B. WILLIS,

Chairman Committee on Territories,
United States Senate.

MY DEAR SENATOR WILLIS: With reference to your request as to the views of this department upon the regulations of Lowell Creek, Seward,

Alaska, proposed in House Joint Resolution 100, Sixty-ninth Congress, first session, response is now given.

The regulation of this stream at an early date is essential, both to safeguard the important railroad facilities at Seward, the ocean terminal of the Alaska Railroad, and to prevent the interruption of through traffic from Seward to the interior over the Alaska Railroad. The plan contemplated under this resolution is promising as one to remove or at least ameliorate the menace of this stream. I am in sympathy with the purpose of this resolution and believe the work contemplated should be put under way.

Very truly yours,

HUBERT WORK.

WAR DEPARTMENT,
Washington, May 5, 1926.

HON. FRANK B. WILLIS,

Chairman Committee on Territories and Insular
Possessions, United States Senate, Washington, D. C.

DEAR SENATOR WILLIS: Receipt is acknowledged of your letter of May 1, 1926, requesting report and recommendations concerning House Joint Resolution 100, Sixty-ninth Congress, first session, "To authorize the Secretary of War to expend not to exceed \$125,000 for the protection of Government property adjacent to Lowell Creek, Alaska."

At the request of the Secretary of the Interior the president of the Alaska Road Commission made an examination of Lowell Creek and prepared a plan and estimate of cost for controlling the flood waters of Lowell Creek, Alaska, with a view to protecting Government property in the town of Seward, adjacent to said creek. The plan recommended by him provides for the construction of a rock-fill dam with a timber flume across the delta at the mouth of the creek, at an estimated cost of \$120,000.

Lowell Creek is not a navigable stream, nor are the interests of navigation affected by its overflow. The War Department is interested in the project to the extent that offices and warehouses of the Signal Corps and the Alaska Road Commission are located within the endangered area. Other departments of the Government are likewise interested. The president of the road commission estimates that the saving in direct damage to property will practically equal the annual charges, including interest, on investment and amortization against the improvement he recommends. This saving, together with the insurance which the project will provide against much greater probable damages amounting to a flood disaster, will warrant the expenditure of Federal funds for the execution of this project.

The expenditure authorized by the accompanying resolution is sufficient to cover the estimated cost of the recommended project, and its enactment is therefore believed to be advisable.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President, but believes that, since the investigation of this project made by the War Department shows that the town of Seward, as well as certain privately owned property adjacent to Lowell Creek, will be materially benefited by the proposed improvement, the question of local contribution should be given consideration.

The president of the Alaska Road Commission believes that if local contribution is to be required a total of \$25,000 on behalf of the town of Seward and other local interests to be benefited would be a fair contribution to the cost of the work. An amendment providing for local contribution in this amount has accordingly been added to the bill.

Sincerely yours,

DWIGHT F. DAVIS, Secretary of War.

Mr. JONES of Washington. Mr. President, I simply wish to say that if we desire or intend to abandon the Alaska Railroad, then, of course, this money should not be appropriated; but we have built the Alaska Railroad, and unless we expect to abandon Alaska I think we should keep the railroad going.

Mr. HOWELL. Mr. President, I agree that the Alaska Railroad should be operated between the Tanana River and Anchorage, but I do not think that the line from Anchorage south to Seward should be operated another day. There is no population whatever in that district, and Seward is on the sea; and if ice-breaker boats were used they could keep open a channel there for two or three months in the winter, and the rest of the year the channel is open constantly.

Something ought to be done respecting this railroad. We are expending about \$1,300,000 annually in operating it as a deficit, without any return whatever upon the \$57,000,000 that has been invested.

Mr. WADSWORTH. Does the Senator persist in his objection?

Mr. HOWELL. I do.

The PRESIDING OFFICER. Objection has been made, and the bill will be passed over.

BILL PASSED OVER

The bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury was announced as next in order.

Mr. COUZENS and other Senators. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.
FOREST EXPERIMENT STATION IN OHIO AND MISSISSIPPI VALLEYS

The bill (S. 3405) to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys was announced as next in order.

Mr. COUZENS. Let that go over.

Mr. FESS. Mr. President, if the Senator will withhold his objection for just a moment, the Government has established 10 of these experiment stations. The plan is to establish 12. Only the other night we passed the one in reference to Pennsylvania. This one is to be somewhere in the Ohio and Mississippi Valleys. One of the most important features of that great agricultural section is the farm wood lot, and it is the desire of the Department of Agriculture, as well as the Government, to establish all of these stations. I sincerely hope there will be no objection to this one, since this is the eleventh, and 10 of them have already been established.

Mr. COUZENS. I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized to establish and maintain a forest experiment station in the States of the Ohio Valley and central Mississippi Valley, at such a place or places as may be selected by him, and he is hereby authorized and directed to conduct silvicultural, forest-fire, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, and with States, universities, colleges, county and municipal agencies, associations, and individuals, to determine the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots.

SEC. 2. An appropriation of \$30,000 for the fiscal year ending June 30, 1927, for the establishment of the station provided by this act and such annual appropriations as may thereafter be necessary for its maintenance and operation are hereby authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF BLIND PERSONS

The bill (S. 2615) to authorize common carriers engaged in interstate commerce to transport any blind person accompanied by a guide for one fare was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and insert:

That paragraph (1) of section 22 of the Interstate commerce act, as amended, is amended by striking out the colon immediately preceding the first proviso of such paragraph and inserting in lieu thereof a semicolon and the following: "nothing in this act shall be construed to prohibit any common carrier from carrying any totally blind person accompanied by a guide at the usual and ordinary fare charged to one person, under such reasonable regulations as may have been established by the carrier."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT PECK INDIAN RESERVATION, MONT.

The bill (S. 3160) for the relief of certain settlers on the Fort Peck Indian Reservation, State of Montana, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That any entryman on the former Fort Peck Indian Reservation, or his successors or transferees, who is unable to make payment as required by the act of March 4, 1925 (43 Stat. p. 1267), may obtain an extension of time for the payment of the total amount of principal and interest required by that act for one year from the date when such sum became or shall become due under the provisions of said act, upon the payment of interest on the total amount involved at the rate of 5 per cent per annum: *Provided*, That the claimant shows to the satisfaction of the Commissioner of the General Land Office by affidavit corroborated by the affidavits of at least two persons, the fact of and the reason for his inability to make the payment: *Provided further*, That such claimant for the same reason and upon making payment of like interest and furnishing a like affidavit may obtain an additional extension of one year, but no more, for the payment of any amount so extended.

SEC. 2. Upon failure of any person to make complete payment of the required amount within the period of any extension granted in accordance with the provisions of this act, the homestead entry of such person shall be canceled and the lands shall revert to the status of other tribal lands of the Fort Peck Indian Reservation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUPPORT OF WIFE OR MINOR CHILDREN IN THE DISTRICT

The bill (H. R. 4812) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, I understand that there is already in existence a statute on this subject. Will the Senator from Washington, who reported the bill, kindly explain it?

Mr. JONES of Washington. Mr. President, this bill proposes to reenact sections 1 and 3 of the nonsupport act, leaving out the punishment of hard labor. By reason of a decision of the Supreme Court the act giving the juvenile court power to punish in this way was taken away from it, on the ground that under the Constitution prosecution punishable by imprisonment at hard labor must be by indictment found by a grand jury. This bill takes away the provision for fixing punishment at hard labor, so that prosecution for nonsupport, and so forth, can be conducted in the juvenile court under information, rather than indictment.

Mr. REED of Missouri. Without a jury?

Mr. JONES of Washington. Oh, no; not without a jury; but the court can not impose the penalty of hard labor.

Mr. REED of Missouri. Does this bill change the law so that a defendant will be denied the right of trial by jury on the ground that the offense is a violation of a police law?

Mr. JONES of Washington. Oh, no; not at all.

Mr. REED of Missouri. It simply permits the proceeding to be begun by information instead of indictment?

Mr. JONES of Washington. Yes; and it prohibits the court from imposing the penalty of hard labor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2353) to amend the military record of Leo J. Pourciau, and for other purposes, was announced as next in order.

Mr. BROUSSARD. Mr. President, the junior Senator from Pennsylvania [Mr. REED] reported this bill. He happens to be out of the Chamber. I have had an understanding with him about this bill, and I will ask that it be passed over until such time as he may be in the Chamber.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

CHARLES EVANS CONKLING

The bill (S. 3994) for the relief of Charles Evans Conkling was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely. Mr. WADSWORTH. I move the indefinite postponement of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

The motion to postpone indefinitely was agreed to.

HAMILTON STONE WALLACE

The bill (S. 2080) for the relief of Hamilton Stone Wallace, formerly colonel, Quartermaster Corps, United States Army, was announced as next in order.

The PRESIDING OFFICER. This bill also is reported adversely.

Mr. WADSWORTH. I move the indefinite postponement of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

The motion to postpone indefinitely was agreed to.

BILL PASSED OVER

The bill (H. R. 658) for the relief of Harry Coventry was announced as next in order.

Mr. WILLIAMS. There is no report with that bill. For that reason I ask that it go over.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, MARION, IND.

The bill (S. 4027) to authorize the construction of three cottages and an annex to the hospital at the National Home for Disabled Volunteer Soldiers at Marion, Ind., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers is authorized and directed to construct at the Marion Branch of such home at Marion, Ind., on land now owned by the United States, three cottages with an aggregate capacity of 200 beds and a sanitary fireproof hospital annex to the present hospital with a capacity of 50 beds.

SEC. 2. Upon the order of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers the following persons shall be admitted to such cottages and hospital annex for the purpose of receiving medical treatment and the other benefits of such home: All persons who served in the military or naval forces of the United States, including the Organized Militia, the National Guard, and the Naval Militia, when called into the Federal service, and were separated therefrom under honorable conditions, who have no adequate means of support and by reason of diseases or wounds are either temporarily or permanently incapacitated from earning a living.

SEC. 3. There is hereby authorized to be appropriated the sum of \$700,000 in order to carry out the provisions of section 1 of this act, of which amount \$600,000 shall be available for the construction of the three cottages and \$100,000 for the hospital annex, including the construction of such necessary approach work, roadways, and other facilities leading thereto, heating and ventilating apparatus, furniture, equipment, and accessories, as may be approved by the board of managers.

Mr. TRAMMELL. Mr. President, I desire to know if this is a Government institution where it is contemplated to make these improvements?

Mr. ROBINSON of Indiana. Mr. President, I will say for the benefit of the Senator from Florida and the Senate generally that this bill was introduced by my colleague—in which, however, I heartily concur—and provides for the construction of three additional cottages and a hospital unit at Marion, Ind., on ground that the Government already owns, to take care of emergency cases of World War veterans among the disabled soldiers, sailors, and marines. It is approved by the board of managers of the National Home for Disabled Volunteer Soldiers, and is very badly needed at the present time. In fact, numbers of patients have applied for admission to the home recently, and there are no facilities to take care of them. That is the truth of the situation. It really is an emergency matter.

I will read from the report, for the benefit of the Senate, the following:

It appeared from the records of the Marion Branch that the sanatorium had been filled to capacity for the past two years and that it had been found necessary to refuse admission to many applicants who were entitled to and needed the services of the sanatorium.

After thorough discussion, on motion, the president of the board—

That is, the Board of Managers—

was directed to submit the question of an extension of the facilities of the sanatorium by the erection of three cottages with an aggregate capacity of 200 beds and an additional hospital annex with a capacity of 50 beds to Congress with a request for the necessary appropriation.

That is precisely what the bill does; and it was carefully considered by the Committee on Military Affairs, which unanimously authorized a favorable report.

Mr. TRAMMELL. Mr. President, is this bill recommended by the authorities having in charge, generally speaking, the subject of providing hospitalization for veterans of the late war?

Mr. ROBINSON of Indiana. That is true, Mr. President, as I understand.

Mr. TRAMMELL. The Senator will understand that I am in favor of providing ample hospitalization for the veterans of the late war and of other wars; but I do not think that by special act we ought to establish a special hospital unless it comes within the general system which is being provided for veterans throughout the country.

This bill carries an appropriation of \$700,000, of which \$600,000 shall be used for these buildings. Of course, in the few moments that are available I am unable to read the report and tell whether this is a part of the general hospital system that is being built up for taking care of the veterans of the late war, or whether it is just an effort by a special bill to establish a special hospital.

Mr. ROBINSON of Indiana. I can answer that question, Mr. President. It is a part of the general plan of the chain of hospitals throughout the country.

Mr. LENROOT. Mr. President, may I ask, then, why they need this bill? We have a general appropriation for that purpose, covering that general plan, and the board has full jurisdiction to locate the hospitals.

Mr. ROBINSON of Indiana. I may say for the benefit of the Senator from Wisconsin that the Marion Soldiers' Home was operated for years before the World War, and became a hospital in 1920 for the benefit also of veterans of the World War, and it has gone along in that manner for the last several years. I may read still further, from the report of the Committee on Military Affairs, something that may be enlightening:

The National Home at Marion, Ind., is one of the homes which has for many years been under the jurisdiction of the National Home for Disabled Volunteer Soldiers. Prior to the World War it was a home for Civil War veterans. Since the World War it has been converted into a national hospital for the care of soldiers of the World War who have been suffering from mental diseases. The administration and medical activities are under the control of the Veterans' Bureau, but the buildings and grounds are still vested in the National Home for Disabled Volunteers.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired. Is there objection to the consideration of the bill?

Mr. LENROOT. Mr. President, we have a soldiers' home in my State, and we have a new hospital, built under this general plan, and, as I understand it, out of this general fund. There does not seem to be any report whatever from the Veterans' Bureau regarding this matter.

Mr. WADSWORTH. This is only an authorization.

Mr. LENROOT. Is there not an authorization that they can enter into contracts? They are authorized and directed to construct. It is more than an authorization. It is an authorization to make a contract.

Mr. TRAMMELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. LENROOT. I yield.

Mr. TRAMMELL. I think this matter is of sufficient importance to go over, and I will ask that it go over.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

MICHAEL M'DONALD

The bill (S. 2914) providing for the appointment of Michael McDonald (formerly a squadron sergeant major, United States Army) a warrant officer, United States Army, and to place him upon the retired list immediately thereafter, was announced as next in order.

The PRESIDING OFFICER. That bill has been reported adversely.

Mr. JONES of Washington. The Senator from Utah [Mr. KING] is necessarily absent. He asked me to request that this go over.

Mr. ROBINSON of Indiana. There is an adverse report.

Mr. JONES of Washington. Nevertheless, the Senator from Utah asked that it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. FERNALD. Why not indefinitely postpone it?

Mr. JONES of Washington. The Senator from Utah asked me to request that it go over.

Mr. WILLIAMS. May I suggest to the Senator from Washington that the Senator from Utah [Mr. KING] wanted the bill passed over because he thought it was a bad bill?

Mr. JONES of Washington. I do not know why he desired that it go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

FREDERICK BREMER

The bill (S. 3672) for the relief of Frederick Bremer, was announced as next in order.

Mr. ROBINSON of Indiana. This bill was adversely reported, Mr. President, and I move that it be indefinitely postponed.

The motion was agreed to, and the bill was indefinitely postponed.

ANDREW J. PATRICK

The bill (S. 3165) for the relief of Andrew J. Patrick was announced as next in order.

Mr. ROBINSON of Indiana. This bill has also been adversely reported, and I move that it be indefinitely postponed.

The motion was agreed to, and the bill was indefinitely postponed.

WILLIAM O. MALLAHAN

The bill (S. 860) for the relief of William O. Mallahan was announced as next in order.

Mr. ROBINSON of Indiana. This bill is on the calendar with an adverse report, and I move that it be indefinitely postponed.

Mr. WALSH. Mr. President, I find it difficult to understand how the committee could have reported that bill adversely. A similar bill has passed the Senate several times, and the report upon the matter is such that it is scarcely possible to conceive of a more meritorious case.

This man served for three years in the Union Army and left because of the most violent abuse inflicted upon him by a drunken officer. Subsequently he reenlisted and had a very excellent record upon his reenlistment. I can not think that the committee could have had the facts before them.

The PRESIDING OFFICER. The question is on agreeing to the motion to postpone the bill.

Mr. ROBINSON of Arkansas. If the facts are as stated by the Senator from Montana, this bill should not be indefinitely postponed. It would be unjust to treat a soldier in that way. I have not studied the case.

SEVERAL SENATORS. Over!

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

JOSEPH A. CHOATE

The bill (H. R. 2172) for the relief of Joseph A. Choate was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WADE W. BARBER

The bill (H. R. 4325) for the relief of Wade W. Barber was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Wade W. Barber, of Bancroft, Nebr., who was a member of Company F, Thirty-fifth Infantry, United States Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 3d day of January, 1900: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. WOODRUFF

The bill (S. 3127) to correct the military record of William W. Woodruff was announced as next in order.

Mr. ROBINSON of Arkansas. That bill was adversely reported, and I move that it be indefinitely postponed.

The motion was agreed to, and the bill was indefinitely postponed.

RELIEF OF McLENNAN COUNTY, TEX.

The bill (H. R. 9212) authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$9,403.42, compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county by the Government of the United States, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to McLennan County, in the State of Texas, or to the proper fiscal officers of such county, out of any money in the Treasury not otherwise appropriated, the sum of \$9,403.42, which sum is hereby authorized to be appropriated to compensate the said county for the value of an improved public highway in said county and which passed through a military camp at Waco, Tex., and which said improved highway was appropriated by the United States Government and was closed to public use and was destroyed by the Government in order to make said military camp available as an aviation field.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. GREEN

The bill (S. 2139) for the relief of William W. Green, warrant officer, United States Army, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 6, to strike out "\$7,917" and insert in lieu thereof "\$7,897.80," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is authorized and directed to pay to Warrant Officer William W. Green, out of any appropriation now or hereafter available for "pay, etc., of the Army," the sum of \$7,897.80, to reimburse him for pay, for additional pay to officers for length of service, for rental allowance, and for subsistence allowance, withheld on account of absence from his post of duty from January 1, 1923, to September 15, 1925, such absence having been caused by his arrest, conviction, and confinement in the State of North Carolina for an offense against such State, for which he has been unconditionally pardoned by the Governor of North Carolina.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES ARMY NURSES

The bill (S. 3514) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act of Congress approved December 17, 1919 (41 Stat. L., p. 367), entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct" shall apply to nurses of the Regular Army to the same extent and under the same conditions as to officers and enlisted men of the Regular Army.

Mr. ROBINSON of Arkansas. I think some explanation ought to be made of this bill by the Senator from New York.

Mr. WADSWORTH. Mr. President, the existing law provides that when an officer or an enlisted man of the Regular Army dies, under the circumstances described in the title of this bill, his dependents shall receive a sum of money equal to six months of his pay. Strange to relate, the dependents of Army nurses do not enjoy the same privileges, and, of course, they should. They are just as much a part of the military service as a soldier is.

Mr. ROBINSON of Arkansas. Does this extend that relief to them?

Mr. WADSWORTH. It does.

Mr. ROBINSON of Arkansas. I have no objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF SURPLUS WAR DEPARTMENT REAL PROPERTY

The bill (S. 4305), to authorize the sale, under provisions of the act of March 12, 1926, of surplus War Department real property, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 2, after the word "Florida," to insert in parentheses the words "excepting approximately one acre on which is located an old Spanish fortification declared a national monument by proclamation of the President under date of October 15, 1924."

Mr. ROBINSON of Arkansas. Mr. President, I want an explanation of this bill. It seems to be a measure of considerable importance.

Mr. WADSWORTH. This bill refers to part of the program of the War Department in disposing of real estate which is no longer needed for military purposes. The Senate has already passed two bills of this nature, listing certain properties in various parts of the country, the War Department being authorized to sell the property, and to turn the proceeds into the Treasury to the credit of the so-called War Department construction fund, to be expended for the erection of barracks and other facilities so sadly needed in the Army posts which are intended to be permanent in character. This is an additional list of such properties recommended by the War Department for sale.

At the direction of the committee, I expect to move to amend the bill by striking out, on line 11, the provision relating to the Augusta arsenal, at Augusta, Ga., as there has been some question as to the title of the Government in that property.

The PRESIDING OFFICER. Is there objection to the consideration of the committee amendment?

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, I desire to look into this bill a little further, and I therefore object to its consideration.

Mr. REED of Missouri. I would like to ask for information whether this property is located in Florida?

Mr. WADSWORTH. It is scattered over the country. The first committee amendment happened to relate to the Matanzas Military Reservation in Florida, and the committee proposed an amendment so that a certain old Spanish fortification that is situated on the Government reservation should not be included in the sale.

Mr. REED of Missouri. But the bill covers other property than Florida property?

Mr. WADSWORTH. Oh, yes. All the properties are listed and named. I may say, for the benefit of the Senator from Florida, that his colleague was consulted in regard to this matter.

Mr. TRAMMELL. Mr. President, I had no objection to the adoption of the amendment, but I want to investigate a little about this property involved; that is all.

Mr. WADSWORTH. May I impose upon the patience of the Senate by asking that the amendment which I was going to offer be permitted to be offered and adopted, so I will not have to run the risk of my memory failing me the next time the bill comes up? I promised the Senator from Georgia [Mr. GEORGE] and the Committee on Military Affairs as a whole to offer that amendment and have it adopted, if possible.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment? If not, the clerk will state the amendment.

The CHIEF CLERK. On page 2, line 11, strike out "Augusta Arsenal, Augusta, Ga.," and the semicolon.

The amendment was agreed to.

The PRESIDING OFFICER. On objection, the bill as amended will be passed over.

BILL PASSED OVER

The bill (H. R. 4001) to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud, was announced as next in order.

Mr. WILLIAMS. I object, on behalf of the Senator from Utah [Mr. KING].

The PRESIDING OFFICER. The bill will be passed over.

BIRTH PLACE OF GEORGE WASHINGTON

The bill (H. R. 10131) granting the consent of Congress to the Wakefield National Memorial Association to build, upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That permission is hereby given to the Wakefield National Memorial Association, of Washington, D. C., a corporation created by and existing under the laws of the State of Virginia, its successors and assigns, to build, operate, and maintain upon the plot of ground owned by the United States at Wakefield, Westmoreland County, Va., a replica, as nearly as may be practicable, of the house in which George Washington was born, to be used and occupied in such manner and for such purposes in preserving the memory of George Washington as may be appropriate: *Provided*, That the size and location of the area to be set aside for improvement by said association shall be determined by the Secretary of War: *And provided*, That the plans for the building herein authorized and for the landscape treatment and development of the grounds before being carried into effect shall receive the approval of the Fine Arts Commission and the Secretary of War: *And provided*, That no work shall be commenced until the Secretary of War has been assured that funds are available for the completion of the work herein authorized; *And provided further*, That the operation, maintenance, care, charging of fees, and any other function carried on by the said association within the area set aside for its use, shall be subject to the supervision of the Secretary of War, and in accordance with such regulations as the said Secretary may promulgate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 10203) authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for street purposes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey to the city of Monterey, Calif., by suitable instrument, an easement for a right of way over that portion of the military reservation at Monterey, Calif., particularly described as follows, to wit:

Beginning at a point on the north line of the United States military reservation at Monterey, Calif., said point of beginning being distant south 89 degrees 30 minutes west 310.7 feet from the stone monument standing on the shore line of Monterey Bay at the northeasterly corner of said reservation, and running thence south 34 degrees 36 minutes

east 261 feet to a point on the northeasterly line of Lighthouse Road in said reservation; thence north 65 degrees west, along said line of said Lighthouse Road, 198.5 feet; thence north 40 degrees 12 minutes east 52.3 feet; thence north 34 degrees 36 minutes west 110 feet to a point on the north line of said reservation; thence north 89 degrees 30 minutes east, along the north line of the said reservation, 60.38 feet to the point of beginning, subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and subject to a perpetual right of way over said land for the uses of any department of the Government of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENLISTED RESERVE CORPS

The bill (H. R. 10385) to amend section 55 of the national defense act, June 3, 1916, as amended, relating to the Enlisted Reserve Corps, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the third sentence of section 55 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended by changing the period to a comma and adding the following words "except that for original enlistments in railway operating units the maximum age limit shall be 45 years," so that the section as amended will read as follows:

"Sec. 55. The Enlisted Reserve Corps: The Enlisted Reserve Corps shall consist of persons voluntarily enlisted therein. The period of enlistment shall be three years, except in the case of persons who served in the Army, Navy, or Marine Corps at some time between April 6, 1917, and November 11, 1918, who may be enlisted for one-year periods, and who in time of peace shall be entitled to discharge within 90 days if they make application therefor. Enlistment shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War, except that for original enlistments in railway operating units the maximum age limit shall be 45 years. All enlistments in force at the outbreak of war, or entered into during its continuation, whether in the Regular Army or the Enlisted Reserve Corps, shall continue in force until six months after its termination unless sooner terminated by the President."

Mr. REED of Missouri. Mr. President, I want to ask the chairman of the Committee on Military Affairs what is proposed by that bill.

Mr. WADSWORTH. Mr. President, under the national defense act as it now reads the maximum age limit for enlisted men in the Enlisted Reserve Corps is 35 years. One of the elements in the Enlisted Reserve Corps, as organized by the War Department, is the railway-operating unit, so called. It is deemed wise by the War Department to organize, on paper, as it were, in very skeleton form, in time of peace, railway-operating units of the Enlisted Reserve Corps; and this bill is to permit those men to be enlisted up to the age of 45.

Mr. REED of Missouri. It simply raises the age limit?

Mr. WADSWORTH. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DETAIL OF SOLDIERS TO EDUCATIONAL INSTITUTIONS

The bill (H. R. 10984) to amend the national defense act, June 3, 1916, as amended, so as to permit the Secretary of War to detail enlisted men to educational institutions, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BATTLE FIELD MEMORIALS

The bill (H. R. 11613) to provide for the study and investigation of battle fields in the United States for commemorative purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 11, to strike out "history" and insert "historic," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to have made studies and investigations and, where necessary, surveys of all battle fields within the continental limits of the United States whereon troops of the United States or of the original thirteen Colonies have been engaged against a common enemy, with a view to preparing a general plan and such detailed projects as may be required for properly commemorating such battle fields or other adjacent points of historic and military interest.

Sec. 2. That on or before December 1, 1926, the Secretary of War shall submit through the President to Congress a preliminary plan by which the purpose of this act can, in his opinion, be most economically carried out; and annually thereafter he shall submit through the President to Congress a detailed report of progress made under this act, together with his recommendations for further operations.

SEC. 3. That the Secretary of War shall include annually in his War Department appropriation estimates a list of the battle fields for which surveys or other field investigations are planned for the fiscal year in question, together with the estimated cost of making each survey or other field investigation.

SEC. 4. That hereafter no real estate shall be purchased for military park purposes by the Government unless report thereon shall have been made by the Secretary of War through the President to Congress under the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FRANCIS FORBES

The bill (H. R. 1721) for the relief of Francis Forbes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Francis Forbes, late of Company I, Tenth Regiment New York Volunteer Cavalry, or Company I, First Regiment New York Volunteer Provisional Cavalry, Civil War, shall be held and considered to have been honorably discharged: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO C. SHEKELL

The bill (H. R. 1717) for the relief of Alonzo C. Shekell was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Alonzo C. Shekell, who was a member of Company H, First Regiment Michigan Volunteer Sharpshooters, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 22d day of November, 1864: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESA TARGET RANGE, ARIZONA

The bill (H. R. 10052) to authorize the sale of the Mesa target range, Arizona, was announced as next in order.

Mr. JONES of Washington. The Senator from Utah [Mr. KING] asks that that go over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 1871) to punish the transportation of stolen property in interstate or foreign commerce, was announced as next in order.

Mr. REED of Missouri. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

INTERSTATE COMMERCE COMMISSION REPORTS

The resolution (S. Res. 152) to rescind the order of the Senate requiring the Interstate Commerce Commission to submit monthly reports on the condition of railroad equipment, was announced as next in order.

Mr. REED of Missouri. Mr. President, I do not want to object to that, but I would like to have an explanation.

Mr. COUZENS. Mr. President, the Senator who introduced this resolution is not in the Chamber, but I was on the committee when the resolution was reported out. When the law was first passed requiring these reports, there appeared to be a great necessity for them. It later developed that the reports were piling up, and did pile up for a number of years, and that they have not been used. Preparing the reports was a big waste, and the Interstate Commerce Commission and the Committee on Interstate Commerce Commission went into the matter and recommended the passage of this resolution, to obviate the necessity of preparing the reports.

Mr. REED of Missouri. In what condition does that leave us; without any reports at all?

Mr. COUZENS. It does with respect to this particular section. It rescinds an order of the Senate requiring the Interstate Commerce Commission to submit monthly reports of the condition of railroad equipment. The reports have been coming to the Senate, and the Senate has not been using them.

The information is still in the hands of the commission at any time the Senate may want it, but they have been making

reports to the Senate without any use being made of them. It was thought it would save great expense to the Interstate Commerce Commission to repeal the section requiring the reports.

Mr. REED of Missouri. It does not follow, because nothing has been said or no reference made to the reports, that they are not being examined by Members of the Senate. I think the bill had better go over until we have an opportunity to examine it.

The PRESIDING OFFICER. The bill will be passed over.

PURCHASE OF CERTAIN APPARATUS BY SECRETARY OF WAR

The bill (S. 1487) to authorize the Secretary of War to class as secret certain apparatus pertaining to the Signal Corps, Air Service, and Chemical Warfare Service, and empower him to authorize purchases thereof and award contracts therefor without notice or advertisement, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, is this bill analogous to the provision which was incorporated yesterday in the Air Service bill?

Mr. WADSWORTH. No; it is a different subject.

Mr. ROBINSON of Arkansas. I know it relates to a different subject, but is it not somewhat analogous to that provision?

Mr. WADSWORTH. In the sense that it absolves the Secretary of War from the necessity of inviting public bids and purchasing only by contract after competitive bidding secret apparatus.

Mr. ROBINSON of Arkansas. I think the Senator should explain in some little detail the circumstances which he thinks justify the bill. The explanation which was made yesterday of the section incorporated in the Air Service bill was satisfactory to me, although some doubt existed in my mind as to the propriety of the provisions.

Mr. WALSH. Mr. President, I would like to ask the Senator from New York to tell us in his explanation whether the bill would authorize the Secretary of War to make contracts for planes without advertising?

Mr. WADSWORTH. My own judgment is that it could not be construed in that way, I will say to the Senator from Montana. A plane can not be regarded as secret. It is open to inspection by so many people nearly all its life that it could hardly be called a secret apparatus.

Mr. WALSH. But it is entirely in the discretion of the Secretary to do it or not, as he sees fit.

Mr. WADSWORTH. That is true. We would have to trust the Secretary of War under any measure of this sort. I assume the phrase "secret apparatus" means some newly discovered high explosive, for example, or mechanism for the use of it.

Mr. WALSH. I have no doubt it is the purpose of the bill, but it is so comprehensive in its language that almost anything would come within the characterization.

Mr. WADSWORTH. It uses this language:

Apparatus of such nature that the interests of the public service would be injured by publicly divulging—

And so forth.

Then in that event he may not be compelled to purchase the apparatus after competitive bidding and publicly letting the contract.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That, in addition to authority heretofore granted, the Secretary of War be, and hereby is, empowered in his discretion to class as secret any apparatus and equipment pertaining either to the Signal Corps, the Air Service, or the Chemical Warfare Service of the Army of the United States, of such nature that the interests of the public service would be injured by publicly divulging them, and may authorize purchases and award contracts for the development, manufacture, and procurement thereof without public advertisement for bids or due notice to the trade: *Provided*, That such purchases and contracts shall not be made or awarded except under circumstances where it shall be impracticable to procure such articles in Government establishments.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. REED of Missouri subsequently said: Mr. President, I ask unanimous consent to return to Calendar No. 935, Senate bill 1487, just passed.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. REED of Missouri. I move that the votes by which the bill was ordered to a third reading and passed may be reconsidered.

Mr. WILLIS. Mr. President, I suggest that the Senator from New York [Mr. WADSWORTH] is not now present.

Mr. REED of Missouri. I sent for him as soon as I saw him leave the Chamber a moment ago. I am simply asking now for a reconsideration. I would like to have the bill held in that condition until the Senator returns before we take action upon that.

Mr. WILLIS. There is no objection to that course.

The PRESIDING OFFICER. The question is upon the motion to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill will be passed over.

ANDREW CULLIN

The bill (H. R. 4585) for the relief of Andrew Cullin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Andrew Cullin, alias Daniel J. Doyle, alias Daniel Harney, shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a private of Troop K, Second Regiment United States Cavalry, as private, Company B, Fourteenth Regiment, and Company A, Thirteenth Regiment United States Infantry: Provided, That no back pension, back pay, or back allowance shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED SITES AND LOCATIONS FOR POST OFFICES

The bill (S. 4111) providing for public notice relative to the selection of proposed sites and locations for post offices was considered as in Committee of the Whole and was read.

Mr. WILLIAMS. Mr. President, there is no report accompanying the bill.

Mr. TRAMMELL. Mr. President, the bill was reported by the chairman of the committee, and I see there is no report accompanying it. The bill explains in full its object and purpose. It provides that in selecting a post-office site or in making arrangements for obtaining post-office quarters, after the authorities have determined upon a particular location and before they make the contract that will bind the Government, two weeks' due notice shall be given to the public in order that the public may be heard upon the question of the location. In my State in a number of cases the post-office inspectors have recommended a particular location for new post-office quarters and the contract has been made before the patrons of the office would know anything about the selection, and in several instances, at least, those locations have been entirely beyond and without the main business center of the town.

Mr. ROBINSON of Arkansas. Have there not also been instances where the department has leased, rented, or purchased sites from the postmaster himself without public notice being given and without the public having an opportunity to express any choice as to the location of the site?

Mr. TRAMMELL. I knew of some instances of that kind in my State some years ago, but not recently. Ten or fifteen years ago I knew of some cases of that character.

Mr. ROBINSON of Arkansas. I recall in the State of Arkansas a case where the postmaster himself sold or leased a site to the Government over the protest of what was believed to be a large majority of the people of the town. They knew nothing of it until long after the contract had been made. The department indicated that if they had had knowledge of the true conditions the contract would not have been entered into, but since it had been signed there was no relief to be afforded.

Mr. TRAMMELL. We have had some cases of that character. The idea of the bill is that two weeks' notice shall be given, during which time the people may protest or may present their views in regard to the location. I do not see how it can do any harm.

Mr. WILLIAMS. May I inquire of the Senator from Florida where the public notice is to be given?

Mr. TRAMMELL. I did not prescribe in the bill where it should be given. I discussed the matter before the committee and stated that it was customary to post public notices at the post office. Of course, that perhaps should be written in the bill.

Mr. WILLIAMS. It might be given in Washington.

Mr. TRAMMELL. No; it should be given at the post office in the immediate locality.

Mr. WILLIAMS. I think that ought not to be left in doubt.

Mr. TRAMMELL. I would like to amend the bill in that respect so as to read: "Two weeks' public notice posted in the local post office."

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 1, line 8, after the words "public notice" insert the words "posted in the local post office."

The amendment was agreed to.

Mr. FERNALD. Mr. President, I am not quite clear about the amendment just agreed to. Under the new public buildings bill recently passed it is necessary to post such notices for at least 20 days in some public place and to publish them in a newspaper printed in the town. I am not quite clear about the provision just agreed to.

Mr. TRAMMELL. Let us make it 20 days, then. Then there will be no conflict. I move to reconsider the vote by which the amendment was agreed to, and then I will modify it so as to make it read "20 days" instead of "2 weeks."

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be reconsidered. The clerk will report the amendment as modified.

The CHIEF CLERK. After the word "notice" insert the words "posted in the local post office for 20 days."

The amendment was agreed to.

Mr. TRAMMELL. A similar amendment should be made in lines 10 and 11 of the bill. I move to amend there by striking out the words "two weeks" and inserting in lieu thereof "20 days."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, in line 10, after the word "said," strike out the words "two weeks" and insert in lieu thereof the words "20 days," so the sentence will read:

During said 20 days any protest against the contemplated location shall be received and considered.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF CERTAIN APPARATUS BY SECRETARY OF WAR

Mr. REED of Missouri. Mr. President, the Senator from New York [Mr. WADSWORTH] has now come into the Chamber. I ask that we recur again to Calendar 935, Senate bill 1485. I asked to have the vote reconsidered by which the bill was passed. I sent for the Senator from New York for the purpose of calling it to his attention.

Mr. WADSWORTH. Very well.

Mr. REED of Missouri. The vote was reconsidered, and I then asked that the matter remain in that condition until the Senator had entered the Chamber. He has now entered the Chamber.

I want to say in explanation that it seems to me the bill is entirely too broad in its terms and is a very dangerous bill. If Senators will turn to the bill, they will find this language:

That in addition to authority heretofore granted, the Secretary of War be, and hereby is, empowered, in his discretion, to class as secret any apparatus and equipment pertaining either to the Signal Corps, the Air Service, or the Chemical Warfare Service of the Army of the United States of such nature that the interests of the public service would be injured by publicly divulging it.

Then they authorize the purchase and award of contracts for the development, manufacture, and procurement thereof without public advertisement or bids or due notice to the trade. Under that provision the Secretary of War, exercising that discretion, could purchase almost anything and any amount of arms or equipment. He could make contracts without getting bids, without notice, for any length of time unless he was elsewhere restricted by statute as to the length of the contract. That is too great power to vest in the discretion of one man without some words of limitation.

I appreciate exactly, I think, what the Senator from New York is trying to get at—the necessity for some authority being given to make contracts in special cases, but there should be some safeguard thrown about the measure. It will be remembered that we had one horrible scandal here about the airplane business of the United States. The language is too broad. I ask now that the bill go over until we can have some opportunity to see if some kind of safeguard can not be thrown about it.

Mr. WADSWORTH. Very well.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

JOHN A. DOUGLAS

The bill (H. R. 680) for the relief of John A. Douglas was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLING R. MAISH

The bill (H. R. 9019) for the relief of Alling R. Maish was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, to strike out "Alling" and insert "Alling," so the name will read "Alling R. Maish."

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I should like to inquire of the Senator from Arkansas what the distinction in this bill is between a soldier who is "discharged without honor" and a soldier who deserts? This seems, for example, to be not an ordinary desertion case, but the case of a soldier "discharged without honor."

Mr. ROBINSON of Arkansas. Mr. President, the facts in this case present a somewhat anomalous situation. The soldier applied for his discharge on the ground that his services were necessary for the support of an afflicted or dependent father. That discharge was denied him. He subsequently left the service. Afterwards, however, he reenlisted and served long and efficiently. The Congress in the meantime passed an act, approved March 4, 1925, section 2 of which provides—

that where a charge of desertion is now standing against the records of an officer or enlisted man in the Army, Navy, or Marine Corps, who has since such charge served honorably in the World War prior to November 11, 1918, the President may cause an entry to be made on said rolls and records relieving such officer or enlisted man of all the disabilities which he had theretofore or would hereafter suffer by virtue of said charge of desertion thus appearing against him.

The soldier having been apprehended and tried, the charge of desertion no longer stood against him. The Secretary of War was therefore unable to afford him the relief which would have been afforded if he had not been tried for the offense of desertion. It is believed, since he suffered a penalty for his wrongful act and served subsequently with distinction and efficiency, that he ought to have the same relief which would have been accorded him if he had never been tried. For that reason this bill has been introduced, the power of the department being limited to cases where the charge was still standing at the date of the passage of the act.

Mr. WILLIAMS. I was not objecting to the bill. I was merely asking what the difference was between a discharge "without honor" and a desertion. I wanted the information furnished for the purposes of the Record.

Mr. WADSWORTH. Mr. President, may I answer the question of the Senator from Missouri?

Mr. ROBINSON of Arkansas. Certainly.

Mr. WADSWORTH. If a soldier is discharged as the result of a court-martial for some military offense warranting a discharge, his separation from the service is always accompanied by a dishonorable discharge. A soldier, however, may be discharged, for example, for having enlisted under a false name or for having prevaricated about his age or overstating his age so as to be able to enlist. In that event he is "discharged without honor."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Alling R. Maish."

BUREAU OF STANDARDS POWER PLANT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4221) authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia. It proposes to authorize the Secretary of Commerce to contract for the construction of a suitable fireproof power-plant building to be erected upon the present site of the Bureau of Standards in the District of Columbia at a cost not to exceed \$200,000.

Mr. JONES of Washington. Mr. President, may I ask the Senator from Maine [Mr. FERNALD], who reported this bill, why this construction can not be taken care of under the public buildings bill which we have passed?

Mr. FERNALD. Mr. President, the construction of the proposed power plant comes under department of the Government other than the Treasury Department. It comes under the Department of Commerce. The facts in the case are these:

At the Bureau of Standards there are two power plants. They have become old. This construction is to replace one of those plants. When this institution was established it had but 2 buildings, while now it has 11 permanent buildings and 8 temporary buildings.

Mr. JONES of Washington. Mr. President, may I ask the Senator from Maine a further question?

Mr. FERNALD. Yes.

Mr. JONES of Washington. Does not the provision in the public buildings law for buildings in the District of Columbia take care of buildings for the various departments?

Mr. FERNALD. No; it takes care of the buildings under the Treasury Department; but this comes under another department. The \$50,000,000 appropriation is to be expended under the Treasury Department, while in this case the building comes under the Department of Commerce.

Mr. JONES of Washington. May not any buildings be constructed out of that building fund except those under the Treasury Department?

Mr. FERNALD. Buildings such as come under the Treasury Department may be constructed out of that fund.

Mr. JONES of Washington. Do not buildings for any other department come under the Treasury Department?

Mr. FERNALD. No; and this comes under the direction of the Department of Commerce.

Mr. JONES of Washington. I know that this building does; I understand that; but I thought that the \$50,000,000 appropriation was for all public building purposes of the Government in the District of Columbia. How is that appropriation limited?

Mr. FERNALD. It is limited to those buildings which come under the Treasury Department.

Mr. JONES of Washington. May not a building for a post office substation be erected in the District of Columbia out of that \$50,000,000 appropriation?

Mr. FERNALD. Oh, yes.

Mr. JONES of Washington. How does a post office building come under the Treasury Department?

Mr. FERNALD. The appropriation is to cover buildings under the Post Office Department and the Treasury Department.

Mr. JONES of Washington. Then, the appropriation covers two departments—the Treasury Department and the Post Office Department?

Mr. FERNALD. Yes, sir.

Mr. JONES of Washington. But none others?

Mr. FERNALD. It covers none others.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. WALSH. Mr. President, I desire to make a further inquiry about this bill. Public buildings generally are constructed under the direction of the Supervising Architect of the Treasury. He has a complete force of architects, draftsmen, superintendents of construction, and all that kind of thing. That is the building organization of the Government in the District of Columbia.

Mr. FERNALD. Under the Treasury Department.

Mr. WALSH. Why should we authorize the Secretary of Commerce to go into the construction business?

Mr. FERNALD. The Government Printing Office also is in a different category. In this case the building comes under the Commerce Department.

Mr. WALSH. I understand that perfectly well.

Mr. FERNALD. The public buildings law covers only the buildings which come under the Post Office and Treasury Departments.

Mr. WALSH. The public buildings law is general. There is so much money appropriated for the construction of buildings in the District of Columbia. After the explanation made by the Senator from Maine, I am unable to see why the position taken by the Senator from Washington is not correct; that is, the building proposed to be covered by this bill should be erected out of the general appropriation. However, that is not the point I am now making. The point I am now making is that the Treasury Department is at present engaged in the work of construction. It is organizing for that work. It has its supervising architect with all the proper equipment to carry on the work of the construction of public buildings in the District of Columbia, as well as in the country generally. Now, we are here going to set up, pro tanto at least, a construction department in the Department of Commerce.

Mr. FERNALD. No; the bill does not contemplate setting up a new construction department. It merely carries out the same policy which has been pursued by the Government in the past. The power plant in this instance comes under the

Department of Commerce. The Government Printing Office is another building that is not under the Treasury Department. There are a few buildings that come under individual departments, and this is one. The public buildings law can not cover this matter.

Mr. WALSH. I pass that point altogether. Let us make the appropriation; but why should not the erection of this building be intrusted to the Supervising Architect of the Treasury?

Mr. FERNALD. I assume that may be done. If the Department of Commerce should call upon him I am sure his services could be availed of.

Mr. WALSH. But if the Department of Commerce should not choose to do so, it would go to work and set up a separate construction department. That would not be advisable, of course.

Mr. FERNALD. No; but under the system, which has been followed for many years, buildings for various departments are provided for through them. The public buildings law covers all the buildings that come under the Treasury Department, but there are a few that come under other departments that are not provided for in that law.

Mr. WALSH. I can not understand that, because the law does not differentiate at all. There is so much money appropriated for the construction of public buildings in the District of Columbia.

Mr. FERNALD. Under the Treasury Department.

Mr. WALSH. No.

Mr. FERNALD. The Senator will find by reading the law that that is what it provides.

Mr. WALSH. Where do we find defined what buildings do come under the Treasury Department?

Mr. FERNALD. I can not name them all, but they are all recorded.

Mr. WALSH. Then we do not know what kind of buildings are going to be constructed with the \$50,000,000?

Mr. FERNALD. I think generally we know about that. This is the only instance of which I know of any building outside of the Treasury Department.

Mr. WALSH. But that is aside from this question. Why should we have two or three different organizations for the construction of public buildings in the city of Washington?

Mr. FERNALD. The Senator will have to go back a long time to determine that. The practice was inaugurated long before my day.

Mr. WALSH. If there is a precedent, is it not a precedent that is honored in the breach rather than in the observance?

Mr. FERNALD. It has been the policy of the Government, I suppose, from its foundation. Up to the present time the same system has been followed, and this bill proposes no change in the system at all.

Mr. WALSH. But there does not seem to be any system.

Mr. GLASS. Mr. President, not even all the buildings that are constructed under the supervision of the Treasury Department are confined to the Supervising Architect of the Treasury. For example, the Internal Revenue Building, erected across Pennsylvania Avenue from the Treasury Department, was not constructed under the supervision of the Supervising Architect of the Treasury, but under the supervision of a New York architect.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. ROBINSON of Arkansas. Mr. President, I call the attention of the Senator from Maine to the last paragraph of the letter of the Director of the Budget and ask him to explain it. The bill authorizes an appropriation of not to exceed \$200,000 for the construction of a power-plant building to be erected upon the present site of the Bureau of Standards in the District of Columbia.

The Director of the Budget says, among other things:

I have presented this matter to the President, who has instructed me to advise you that the legislation which you propose is not in conflict with his financial program, providing that the legislation pertaining to the power house and the master track scale will not involve the necessity of any appropriation either during this current or the next fiscal year.

Mr. FERNALD. What is the date of that letter?

Mr. ROBINSON of Arkansas. The date of the letter is January 18, 1924.

Mr. FERNALD. Yes; that was two years ago. This bill has the approval of the President and of the Secretary of Commerce. The present power plant was installed 22 years ago, and it is claimed that there will be a saving of \$25,000 a year in fuel by the erection of the new building.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

SITE FOR POST OFFICE AT DONORA, PA.

The bill (H. R. 252) to authorize the Secretary of the Treasury to accept a title to a site for the post office at Donora, Pa., which excepts and reserves natural gas and oil underlying the land, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LAND TO BOISE, IDAHO

The bill (H. R. 431) providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUILDING FOR MASTER TRACK SCALE AND TEST-CAR DEPOT

The bill (H. R. 5359) authorizing the purchase by the Secretary of Commerce of a site and the construction and equipment of a building thereon for use as a master track scale and test-car depot, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND FOR NEW YORK CITY POST OFFICE

The bill (H. R. 9869) to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building was considered as in Committee of the Whole.

Mr. TRAMMELL. Mr. President, I should like to have the chairman of the committee explain the purpose and object of the bill.

Mr. FERNALD. Mr. President, in 1902 authorization was made for a new post-office site in New York City. This was acquired from the Pennsylvania, New York & Long Island Railroad; and while the title to the site is vested in the United States, the railroad reserved certain rights to the use of a portion of the subsurface for its tracks and station purposes.

Although at that time careful consideration was given to the deed, it has been found that the terms of the original deed are not sufficient to cover all the details. This bill authorizes the Secretary of the Treasury, the Postmaster General, and the Attorney General to adjust and accept a corrected deed. The bill does not affect the area of the site, and the correction is to be without additional cost to the United States. The legislation was suggested by the Secretary of the Treasury, and has the approval of the city of New York.

Mr. TRAMMELL. Mr. President, I do not think we have much more information now than we had before that letter was read. Under the provisions of this bill it is possible that some very valuable rights of the Government may be given away to the railroad company. I judge that the purpose of correcting the deed is probably to grant the railroad some additional concessions to those which it already enjoys.

Mr. FERNALD. It is exactly the reverse, Mr. President. The purpose is that we may have a corrected and a more substantial deed.

Mr. TRAMMELL. It may be a corrected deed, but it may be a deed that is corrected for the purpose of granting further privileges and the use of additional land to the railroad company. From the bill we can not tell what the purpose and object is. I do not know that that is the object, but, as I say, we can not tell from the bill.

Mr. WILLIAMS. Mr. President, may I inquire of the Senator from Florida whether he has attached to his copy of the bill a copy of the House report?

Mr. TRAMMELL. I have not any copy of the House report. There is no report with my copy of the bill.

Mr. WILLIAMS. The House report is No. 1024, and sets out rather fully why the corrected deed should be accepted.

Mr. TRAMMELL. The report is not attached to my copy of the bill. I shall not make any objection to the consideration of the bill. I thought it ought to be explained, however.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF GOVERNMENT PROPERTY TO OSHKOSH, WIS.

The bill (H. R. 11353) to convey to the city of Oshkosh, Wis., certain Government property was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROMOTION OF OFFICERS OF STAFF CORPS OF THE NAVY

The bill (H. R. 7181) to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL SHAW WILLIAMSON

The bill (H. R. 11308) authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF VESSELS FOR COAST GUARD

The bill (H. R. 5026) to provide for the construction of 10 vessels for the Coast Guard was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 7, after the word "duties," to insert "Provided, That the equipment be bought in open competition," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed \$9,000,000, to be expended by the Secretary of the Treasury, for the construction and equipment of 10 Coast Guard cutters, to be designed and equipped for Coast Guard duties: *Provided,* That the equipment be bought in open competition.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 10973) to readjust the commissioned personnel of the Coast Guard, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this bill appears to be of considerable importance. Will the Senator from Washington explain its purposes and effect?

Mr. JONES of Washington. I will state that I overlooked that bill. The Senator from Utah [Mr. KING] asked me to request that it go over, and I therefore do so.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

MARY H. DOUGHERTY

The bill (S. 1641) for the relief of Mary H. Dougherty was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to cause to be paid, from the appropriation for beneficiaries of officers who die while on the active list of the Navy, to Mary H. Dougherty, widow of Horace DeB. Dougherty, late Lieutenant, United States Navy, an amount equal to six months' pay at the rate to which the said Horace DeB. Dougherty would have been entitled to receive had he been employed on active duty at the time of his death.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMASTER HERBERT ELLIOTT STEVENS, UNITED STATES NAVY

The bill (H. R. 2808) for the relief of Paymaster Herbert Elliott Stevens, United States Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT. COMMANDER WALTER STANLEY HAAS, UNITED STATES NAVY

The joint resolution (H. J. Res. 9) granting permission to Walter Stanley Haas, lieutenant commander, United States Navy, to accept a decoration bestowed upon him by the Government of Ecuador, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 3763) to prevent delay in the promotion of officers of the Navy and Marine Corps was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

GUSTAVO TEGERA GUEVARA

The bill (H. R. 3352) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Mr. Gustavo Tegera Guevara, a citizen of Venezuela, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROY W. SAAM

The bill (H. R. 6015) to correct the Marine Corps record of Roy W. Saam, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. F. A. TRAUT, UNITED STATES NAVY

The bill (H. R. 7217) to authorize Capt. F. A. Traut, United States Navy, to accept a decoration from the King of Denmark known as the "Order of Dannebrog," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTABLISHMENT OF CERTAIN WARRANT AND COMMISSIONED WARRANT GRADES IN MARINE CORPS

The bill (H. R. 8725) to establish the warrant grade of pay clerk and the commissioned warrant grades of chief marine gunner, chief quartermaster clerk, and chief pay clerk in the United States Marine Corps was announced as next in order.

Mr. JONES of Washington. Mr. President, on behalf of the Senator from Utah [Mr. KING] I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES of Washington subsequently said: Mr. President, a few moments ago I objected to the consideration of House bill 8725 on behalf of the Senator from Utah [Mr. KING] when it came up. I find, however, that I had the wrong bill marked on the calendar he had given to me, and that was a mistake. I had no request from him to object to that bill; so I withdraw the objection.

The PRESIDING OFFICER. The objection to the consideration of House bill 8725 having been withdrawn, it will be read.

The Chief Clerk read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACCEPTANCE OF CERTAIN ORDERS FROM REPUBLIC OF CHILE

The bill (H. R. 9319) to authorize certain officers of the United States Navy to accept from the Republic of Chile the Order of Merit, first class, and the Order of Merit, second class, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs, with an amendment, on page 1, line 3, after the word "Cole," to insert "Capt. William R. Sayles," so as to make the bill read:

Be it enacted, etc., That Rear Admiral William C. Cole, Capt. William R. Sayles, Capt. Yancey S. Williams, and Capt. Joseph K. Taussig, all of the United States Navy, be, and they are hereby, authorized to accept from the Republic of Chile the Order of Merit, first class, and that Lieut. Commander Marshall Collins, of the United States Navy, be, and he is hereby, authorized to accept from the Republic of Chile the Order of Merit, second class, which have been tendered to each of said officers, through the Department of State, in appreciation of services rendered the said Republic of Chile.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF ACT FOR RETIREMENT OF PUBLIC-SCHOOL TEACHERS IN THE DISTRICT

The bill (H. R. 12266) to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment.

Mr. ROBINSON of Arkansas. Mr. President, what changes in the present law does the bill make?

Mr. CAPPER. The Senator from Arkansas will find in the committee report here a summary. The principal change increases the District government's contribution to the annuity fund from \$10 for each year of the teacher's service, no matter how long continued, to \$15 per year of service, but not exceeding 40 years. The teacher, however, will contribute throughout his service without any 40-year limitation, this applying only to the District government's participation. I call the attention of the Senator to the following statement on page 4 of the committee report:

By way of comparison showing the essential justice of the proposed changes, attention is directed to the fact that under existing law policemen and firemen of the District of Columbia have the benefit of a retirement law permitting them to retire after 25 years of service at the age of 55, if physically unfit, on an annuity reaching \$1,050 per annum. This amount is what the proposed teachers' retirement bill will allow teachers in the public schools after 30 years of service. The teachers, however, will contribute up to 8 per cent of their salaries, or a maximum of \$160 per year, while the policemen and firemen contribute 2½ per cent, or \$52.50 a year. The District of Columbia contributes approximately 80 per cent of the police and firemen's retirement fund, the men themselves but 20 per cent; while the teachers will contribute, as stated, approximately 57 per cent of their retirement fund.

Those are the important changes in this bill. It has the approval of the District Commissioners, of the Board of Education, of the United States Bureau of Efficiency, of the Bureau of the Budget, of the auditor of the District; and of every one who is at all interested. It has had the most thorough consideration. The bill passed the House without the slightest objection, and has a unanimous report from the Senate Committee on the District of Columbia.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 12, line 10, to change the number of the section from "20" to "2."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

PASSAIC VALLEY SEWERAGE COMMISSION

The resolution (S. Res. 233) referring to the Court of Claims the bill (S. 3366) for the relief of the Passaic Valley Sewerage Commission was considered by the Senate and agreed to, as follows:

Resolved, That the bill entitled "A bill (S. 3366) for the relief of the Passaic Valley Sewerage Commissioners," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

SHERMAN MILES

The bill (H. R. 9775) for the relief of Sherman Miles was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMER H. HACKER

The bill (S. 3462) for the relief of Homer H. Hacker was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Homer H. Hacker, of Dallas, Tex., the sum of \$100 as reimbursement for loss sustained by him as remitter of post-office money order No. 487, in the amount of \$100, issued on July 21, 1919, at Biltmore, N. C., and drawn on the postmaster at Dallas, Tex., which money order was not received by the payee designated therein, and payment of which can not be traced by reason of the fact that the records pertaining thereto have been destroyed pursuant to law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP T. COFFEY

The bill (S. 3471) for the relief of Philip T. Coffey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Philip T. Coffey, late captain in the Corps of Engineers of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into and determine all the facts touching on the nature of his disabilities and to find and report the disabilities which in its judgment has produced his incapacity and whether his disabilities are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Philip T. Coffey was discharged, or, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Philip T. Coffey, a captain in the Corps of Engineers and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Philip T. Coffey shall not be entitled to any back pay or allowances by the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON MARKET CO.

The bill (H. R. 12172) permitting the Washington Market Co. to lay a conduit across Twelfth Street, SW., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF ACT FOR REMOVAL OF AQUEDUCT BRIDGE, ETC.

The bill (H. R. 7380) to amend section 5 of the act entitled "An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof," approved May 18, 1916, and section 12 of the act entitled "An act to provide for eliminating certain grade crossings, etc.," approved February 12, 1901, as amended, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. BARRETT AND ADA H. BARRETT

The bill (H. R. 615) for the relief of John H. Barrett and Ada H. Barrett was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. GRAHAM

The bill (H. R. 3591) for the relief of the estate of James H. Graham was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. WALTER PAYNE

The bill (H. R. 4117) for the relief of J. Walter Payne was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORAN TOWING & TRANSPORTATION CO.

The bill (H. R. 4580) for the relief of the Moran Towing & Transportation Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. SESSIONS

The bill (S. 1424) for the relief of John G. Sessions was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$12,519.46" and insert "\$7,977.77," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to John G. Sessions, the sum of \$7,977.77, to reimburse said Sessions for losses incurred by him in performance of work contracted to be done in construction of a levee on the Mississippi River, in Issaquena County, State of Mississippi, known as the Ellesly enlargement, on which work was performed in 1917 and 1918, and said sum is hereby appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. G. A. GUENTHER

The bill (H. R. 7943) for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign United States Naval Reserve, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. Mr. President, I should like to ask a question about House Bill 7943, Order of Business 976, which was just passed. Will the Senator from Delaware [Mr. BAYARD] explain to me what the bill does, and what is the "United States Naval Air Corps"?

Mr. BAYARD. If the Senator will read the report, he will find that the department refers to that matter. Ensign Guenther was in the regular line of his service. I do not know what particular branch of the service it is.

Mr. HALE. Would the Senator object to reconsidering the action whereby that bill was passed? I should like to have it go over until I can investigate it.

Mr. BAYARD. Except that I was asked to press the bill. If the Senator will let me read the report for a moment, that will answer the question:

The Committee on War Claims, to whom was referred the bill (H. R. 8997) for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Air Corps, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Line 7, strike out the figures "\$10,000" and insert "\$5,000."

The facts upon which this claim is based are briefly stated as follows:

Ensign Gordon Guenther enlisted in the United States Naval Reserve Force July 25, 1918, class 4-5, and was discharged as ensign, Naval Reserve Force, Bureau of Navigation, July 24, 1922, on the termination of his four-year enlistment. He reenlisted, April 12, 1923, as an ensign in class 6, for four years.

Beyond that I am very frank to say to the Senator that I know nothing about the classification except that it appears from the rather voluminous report that he was regularly in the service.

Mr. HALE. He may have been in the service, but he could not be in the service of the United States Naval Air Corps. He is an ensign in the Navy. The wording of the bill is wrong.

Mr. BAYARD. I will say to the Senator frankly that I really do not know about that.

Mr. HALE. I think it would be well to reconsider the action by which the bill was passed.

Mr. WILLIAMS. Mr. President, this is a case that was taken up by the Red Cross while I was in Missouri. The amount has been cut down from \$10,000 to \$5,000. There is no question of the identity of the person to be benefited by the bill.

Mr. HALE. I have no objection to make to the purpose of the bill. I simply object to the designation of the officer. There is no such thing as an "ensign in the United States Naval Air Force."

Mr. MEANS. Mr. President, let us propose an amendment to correct the designation. I agree with the Senator from Maine that the correct designation would be "United States Naval Reserve Force." That is the correct term to apply.

Mr. HALE. That is entirely correct.

Mr. MEANS. I suggest, if it is proper at this time, that the language be corrected, so that the official designation, instead of being "United States Naval Air Force," should be "United States Naval Reserve Force." That would give the correct naval designation to the officer.

Mr. HALE. It should be "United States Naval Reserve."

The PRESIDING OFFICER. Does the Senator from Maine desire to have the vote reconsidered by which the bill was passed?

Mr. HALE. I do.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote? The Chair hears none, and the vote is reconsidered.

The Senator from Colorado offers an amendment, which the clerk will state.

The CHIEF CLERK. On page 1, line 7, strike out the words "Air Corps" and insert the word "Reserve," so that it will read "United States Naval Reserve."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Reserve."

J. M. HOLLADAY

The bill (H. R. 1828) for the relief of J. M. Holladay was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FARM LOAN ACT

The bill (H. R. 9269) to amend paragraph 2 of section 7 of the farm loan act was announced as next in order.

Mr. WALSH. Let that go over.

Mr. McLEAN. Did the Senator object to the consideration of the bill at this time?

Mr. WALSH. Yes.

Mr. McLEAN. I hope I may be pardoned for explaining the bill in one sentence, because if the Senator objects to the substance of the bill I want to give notice that I shall move to take it up at the earliest opportunity.

Senators who are familiar with the operations of the Federal farm loan associations know that the secretary-treasurer is a very important officer. He has charge of the funds and securities of the association. He collects the interest, and makes stated reports. He is appointed now by the directors of the local associations, and in many instances which have been brought to my attention, he has proven to be an inefficient official. The bill, which has been passed by the House, provides that in the future these officers shall be selected by the associations, but they shall be appointed only with the approval of the land banks. I think it is a very important amendment. It is one urged by the banks and by the Federal Farm Loan Board. Of course, if the Senator objects, it can not be considered now, but I think it ought to be acted upon.

Mr. WALSH. Mr. President, my predilections are against this bill. This is the first time it has been brought to my attention, and I want to submit it to the farm loan association in my State, as well as to the directors of the bank for our district.

It is quite in line, in my view, with the policy of eliminating, as far as possible, the cooperative feature from this farm-loan system. The Federal Land Board now really appoints the members of the board of directors of the bank. The power of the association to choose the directors is practically nullified by acts of the Congress; that is, the majority of the board is controlled by the Federal Land Board, so that the associations do not control the banks. The Federal Land Board controls the banks, and now it is proposed that the banks shall control the secretary-treasurer.

Mr. McLEAN. Mr. President, I think the Senator is mistaken about the control of the directors. There are seven, and four of them are controlled by the association now. But if the bill is opposed by the Senator, it is not worth while to prolong the discussion. I merely want to give notice that I will feel it my duty to move to take this bill up at a very early date.

Mr. WILLIAMS. Mr. President, the situation in a great many of the States is this, that the secretary-treasurer of the local association is appointed by the association. The banks find that a great many of these persons so selected in a more or less informal way and without giving much attention or thought to it by the local board are representing institutions which lend money in competition with the land banks, and there are a number of counties in our State under the operation of the farm-land bank at St. Louis, where we find that the secretary-treasurer is making no reports and is transacting no business with the bank, and the bank is not giving to the local associations, the farmers, who would otherwise get the money, the attention which they desire and the benefits of the act.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. MAYFIELD. In other words, they are transferring these loans to joint-stock companies?

Mr. WILLIAMS. No; they are transferring them to the private-loan companies?

Mr. MAYFIELD. They are also transferring them to joint-stock companies that get a commission.

Mr. WILLIAMS. They might be giving them to the joint-stock land banks in some cases.

Mr. MAYFIELD. I understand that the joint-stock banks offer a commission of 2 per cent.

Mr. ROBINSON of Arkansas. I think I ought to say, in connection with the remarks of the Senator from Missouri [Mr. WILLIAMS], that a representation was made to me to-day by a member of the Federal Farm Loan Board that there are only a few instances in which the difficulties to which the

Senator from Missouri has referred appear; that there are, I think he said, some five or six cases which have come to the attention of the Federal Farm Loan Board where the secretary-treasurer of the association has been receiving fees for negotiating loans from other companies than the Federal land bank; and it is to protect the bank against that class of imposition that the bill is directed. But there are very few cases in which that has occurred, according to the statement made to me to-day by a member of the Federal Farm Loan Board.

The joint-stock land banks, as far as my information goes, do not pay the high commission referred to by the Senator from Texas, except in the case of one or two banks in the State of Texas. They are permitted, under the law, to pay a commission, but their business can hardly be profitable when they pay a commission as high as 2 per cent. But it is true that in the State of Texas competition is so keen that some of the banks in that State have paid as high as 2 per cent, according to my recollection.

Mr. MAYFIELD. That is my information.

Mr. ROBINSON of Arkansas. But I have no information that they have paid it to secretary-treasurers of farm-loan associations.

Mr. MAYFIELD. My information comes from the president of the Federal reserve bank that they have paid it.

The PRESIDING OFFICER. Does the Chair understand the objection of the Senator from Montana to be withdrawn?

Mr. WALSH. It is not withdrawn.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

POTEAU RIVER DAM, ARK.

The bill (S. 2164) to permit the city of Fort Smith, Sebastian County, Ark., to erect, or cause to be erected, a dam across the Poteau River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, in line 3, page 1, after the word "that," insert the following: "the consent of Congress is hereby granted to"; page 2, line 2, after the word "Arkansas," strike out the words "is hereby granted permission to erect or cause to be erected" and insert in lieu thereof the following: "to construct, maintain, and operate"; on page 2, line 4, after the word "River," insert a comma and the following: "at a point suitable to the interests of navigation"; on page 2, line 7, insert the following after the word "Creek":

Provided, That the crest of such dam shall not exceed an elevation of 6 feet above the low-water stage of the Poteau River, and that the city of Fort Smith shall be responsible and pay for all damage which may accrue to the Choctaw and Chickasaw Indians as a result of the construction of the dam or the use by the city of Fort Smith of the Poteau River for water-supply purposes: *Provided further*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That in approving the plans for said dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the said city shall construct, maintain, and operate, without expense to the United States in connection with said dam, a lock, boom, sluice, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve: *And provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act: *Provided*, That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said city or their successors that desirable water power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

In line 22, page 3, after the word "Sec.," strike out the figure "2" and substitute in lieu thereof the figure "3," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Fort Smith, a duly incorporated city, of Sebastian

County, Ark., to construct, maintain, and operate a dam across the Poteau River, at a point suitable to the interests of navigation, at or near a point just west of the State line dividing the States of Arkansas and Oklahoma, and near or just above the mouth of Mill Creek: *Provided*, That the crest of such dam shall not exceed an elevation of 6 feet above the low-water stage of the Poteau River and that the city of Fort Smith shall be responsible and pay for all damage which may accrue to the Choctaw and Chickasaw Indians as a result of the construction of the dam or the use by the city of Fort Smith of the Poteau River for water-supply purposes: *Provided further*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That in approving the plans for said dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the said city shall construct, maintain, and operate, without expense to the United States in connection with said dam, a lock, boom, sluice, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve: *And provided further*, That this act shall not be construed to authorize the use of such dam to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date of approval of this act: *Provided*, That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said city or their successors, that desirable water-power development will be interfered with by the existence of said dam, the authority hereby granted to construct, maintain, and operate said dam shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam.

SEC. 3. That the right is hereby reserved to alter, amend, or repeal this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the city of Fort Smith, Sebastian County, Ark., to construct, maintain, and operate a dam across the Poteau River."

HARVARD STREET, DISTRICT OF COLUMBIA

The bill (H. R. 11118) to authorize the widening of Harvard Street in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF DEPENDENTS OF DECEASED SOLDIERS

The bill (S. 863) providing that the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917, was considered as in Committee of the Whole.

Mr. WILLIS. Mr. President, I do not object to this bill, but I think there ought to be some explanation of it. I think it is a most unusual form, providing that an act that was approved December 17, 1919, shall be executed and administered as though it had been passed and approved October 6, 1917.

Mr. WALSH. The explanation is very simple, and is stated fully in the report.

Mr. WILLIS. I have been reading the report, and I have not yet reached the elucidating information.

Mr. WALSH. Prior to October 6, 1917, the widow of any officer of the United States Army was granted six months' pay upon his death. At that date was passed the insurance act, and it was believed that the insurance act repealed that provision of the preexisting law, which had been in force, my recollection serves me now, from 1909 on. In December, 1919, however, it was conceived that if it had been repealed, it was improperly repealed, and the old law was restored. So that the widows of officers of the United States Army who died during the period of a little more than two years, between October 6,

1917, and December 17, 1919, did not get the six months' pay. Those who were widowed prior to that time came under the law. Those who were widowed after that time received the benefit of the law, but there was a hiatus, and it was intended that the latter act should take effect as of the former date.

Mr. WILLIS. I do not object.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter the act approved December 17, 1919, entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army whose death resulted from wounds or disease not the result of his own misconduct," shall be executed and administered as though it had been passed and approved October 6, 1917.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ERECTION OF MONUMENT IN FRANCE

The bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army was announced as next in order.

Mr. ROBINSON of Arkansas. Let the bill go over.

The PRESIDING OFFICER. Under objection the bill will be passed over.

DIAMOND LAKE, OREG.

The bill (S. 3099) to cede certain lands in the State of Oregon, including Diamond Lake, to the State of Oregon for fish cultural purposes, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Mr. President, I would like to have an explanation of the bill.

Mr. STANFIELD. As the title of the bill indicates, it relates to Diamond Lake in the State of Oregon. It is proposed that the lake shall be ceded to the State of Oregon for the purpose of fish culture. It is an egg-taking lake and is being used by the State of Oregon for the production of rainbow trout eggs. In order that it may be given to the State's permanent control, the bill has been introduced ceding the right to the State for that purpose.

Mr. TRAMMELL. Mr. President, may I inquire of the Senator from Oregon the extent of the lake?

Mr. STANFIELD. About 9,000 acres.

Mr. TRAMMELL. I dislike very much to object to the bill. I asked for a contribution for park purposes in a growing and developing section of Florida of an 80-acre tract, which has been used for a reservation in connection with the Coast Guard Service, and I have only been able to get a recommendation for 5 acres out of that 80 acres to be donated for park purposes. Now it is proposed to give away a lake of 9,000 acres. That represents considerable value. I do not think we should make this contribution unless we are going to be fair and generous toward other localities.

Mr. STANFIELD. Mr. President, I hope the Senator will not object.

Mr. MAYFIELD. Mr. President, am I to understand the Senator from Florida to say that he is offering 9,000 acres to the Government?

Mr. TRAMMELL. Oh, no. The bill provides for the contribution of a lake covering 9,000 acres in Oregon.

Mr. STANFIELD. For fish-cultural purposes.

Mr. MAYFIELD. I understood the Senator to say he was offering 9,000 acres to the Government. I could not understand why the Government would not accept 9,000 acres of land in Florida.

Mr. TRAMMELL. The Government, of course, is getting all the value it can in Florida. It is selling at very high prices every piece of property it has there and is taking advantage of the prosperity which exists in my State to get the very best prices possible, and yet Representatives of the Government apparently have no spirit of public enterprise whatever in dealing with my State. In my State every private citizen assists in public enterprises. A citizen or group of citizens who own a large acreage of land in a particular county or locality gladly contribute toward park development and toward public improvements; yet the Government wants to give Florida nothing. They sell every acre and every inch of land they own in Florida and yet will make no donation of any character to the State.

Mr. OVERMAN. Mr. President, I object to the bill because the Secretary of Agriculture does not approve it.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

COLLECTION DISTRICTS ON THE GREAT LAKES

The bill (S. 4171) to create a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby created, in addition to the five great districts provided by section 4348 of the Revised Statutes as amended by the act of May 12, 1906, a sixth great district to include all the collection districts on the Great Lakes, their connecting and tributary waters, as far east as the Raquette River, N. Y.

SEC. 2. Enrolled and licensed vessels operating in the great district herein created shall be subject to all of the requirements of licensed and enrolled and licensed vessels imposed by sections 4349, 4350, 4351, and 4352 of the Revised Statutes and amendments and laws supplementary thereto.

SEC. 3. Sections 3116 and 3117 of the Revised Statutes are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF DEPENDENTS OF DECEASED SOLDIERS

Mr. SWANSON. Mr. President, Order of Business 981, Senate bill 863, was passed just a few moments ago. I desire to enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed, with a view to offering an amendment to it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia.

The motion to reconsider was agreed to.

Mr. SWANSON. The measure as it now reads will apply only to the Army, granting a gratuity of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army. Men of the Army and Navy ought to be treated precisely alike in this matter.

Mr. HALE. Mr. President, the Senator will note that the bill applies to the regular officers of the Army, and not to the other officers.

Mr. SWANSON. It ought to apply to the regular officers of both the Army and the Navy.

Mr. HALE. I trust the Senator will include the words "regular officers" in his amendment.

Mr. SWANSON. I want to amend it so it will apply to the Navy as it does to the Army. I do not see why the widow or other dependent of a regular officer in the Army should get this gratuity and not have it apply to the Navy.

Mr. WALSH. Mr. President, I am not sure that the general act in force under which this gratuity was paid was applicable to the officers of the Navy.

Mr. SWANSON. It was applicable to the regular officers of the Navy. The bill ought not to pass without such a provision in it.

The PRESIDING OFFICER. The Senator from Virginia will state the amendment he desires to propose.

Mr. SWANSON. On page 1, line 6, after the words "Regular Army," I move to insert the words "or Navy."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 6, after the words "Regular Army," insert the words "or Navy," so as to read "enlisted men of the Regular Army or Navy."

Mr. HALE. Mr. President, I would like to ask the Senator from New York [Mr. WADSWORTH] what the estimate is that this would cost so far as the Army is concerned?

Mr. WADSWORTH. My recollection of the estimate made by the Secretary of War is something over \$900,000.

Mr. HALE. That is for the Army. I would like to ask the Senator from Virginia what it will cost for the Navy?

Mr. SWANSON. I do not think the deaths are as numerous in the Navy as in the Army, because they were not in conflict so much. I do not suppose it would be one-tenth of what it would cost in the Army.

Mr. HALE. I shall not make any objection to the amendment, but I really think we should consider it and find out what it is going to cost. However, if we have such a provision for the Army I think we should also have it for the Navy. I shall make no objection.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Virginia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing that the act approved December 17, 1919, entitled 'An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relatives of any officer or enlisted man of the Regular Army or Navy whose death results from wounds or disease not the result of his own misconduct,' shall be executed and administered as though it had been passed and approved October 6, 1917."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11060. An act to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for county parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914;

H. R. 11329. An act for the relief of certain counties in the States of Oregon and Washington within whose boundaries the reconstituted Oregon & California Railroad Co. grant lands are located; and

H. R. 12066. An act to add certain public lands to the Washakie National Forest, Wyo.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1059) for the relief of R. Clyde Bennett, and it was thereupon signed by the Presiding Officer (Mr. BINGHAM) as Acting President pro tempore.

WASHAKIE NATIONAL FOREST, WYO.

The bill (S. 4227) to add certain public lands to the Washakie National Forest, Wyo., was announced as next in order.

Mr. KENDRICK. Mr. President, House bill 12066 is identical with Senate bill 4227, just announced from the House. I ask the Senate to substitute the House bill for the Senate bill. The House bill came over from the House just a moment ago.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? There being none, the Chair lays before the Senate House bill 12066.

The bill (H. R. 12066) to add certain public lands to the Washakie National Forest, Wyo., was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the following-described public lands be, and the same are hereby, added to and made a part of the Washakie National Forest, Wyo., and are to be hereafter administered under the laws and regulations relating to the national forests: Township 43 north, range 108 west, sixth principal meridian; west half section 5; west half, west half northeast quarter, southeast quarter section 8; all of section 17; all of section 20; west half, west half northeast quarter, west half southeast quarter, northeast quarter southeast quarter section 21; north half northeast quarter, south half southeast quarter section 24; north half northwest quarter, northwest quarter northeast quarter, northwest quarter southwest quarter section 28; north half, north half southwest quarter, north half southeast quarter section 29. Township 42 north, range 109 west, sixth principal meridian; north half section 1; north half section 2. Township 43 north, range 109 west, sixth principal meridian; south half, southeast quarter northwest quarter section 35; northeast quarter northeast quarter, northeast quarter southeast quarter, south half southeast quarter, southwest quarter section 36: *Provided,* That the inclusion of any of the aforesaid land in the Washakie National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act.

Mr. ASHURST. Mr. President, may I ask the able Senator from Wyoming if the bill which just came over from the House is identical with the Senate bill?

Mr. KENDRICK. That is my understanding.

The PRESIDING OFFICER. Without objection the request of the Senator from Wyoming that House bill 12066 be substituted for Senate bill 4227 is granted. House bill 12066 is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KENDRICK. I now move that Senate bill 4227 be indefinitely postponed.

The motion was agreed to.

BARGE "M'ILVAINE NO. 1"

The bill (H. R. 10161) for the relief of the owners of the barge *McIlvaine No. 1* was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$5,343.29 to Ella M. Fay and John F. Clinton, owners of the barge *McIlvaine No. 1*, sunk by collision with the United States submarine *D-1*, on November 11, 1918.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BAYARD. Mr. President, I move that the bill (S. 3975) for the relief of the owners of the barge *McIlvaine No. 1*, which is identical with the House bill just passed, be indefinitely postponed.

The motion was agreed to.

MEMALOOSE ISLAND IN COLUMBIA RIVER

The bill (S. 4344) to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SMALL TRACTS OF PUBLIC GRAZING LAND

The bill (S. 4043) to permit the sale of small or inaccessible tracts of public grazing land was announced as next in order.

Mr. ROBINSON of Arkansas. Will the author of the bill make an explanation of it?

Mr. STANFIELD. Mr. President, this is a bill to grant authority to the Secretary of the Interior to dispose of isolated tracts of land in larger area than is provided under existing law. The existing law limits his power to areas of 160 acres. There are many small tracts of land that are left in the public-land States now that are not worth the cost of the effort to homestead, and in order that those lands may be appropriated and passed to the tax rolls it is necessary that broader authority be granted to the Secretary of the Interior to dispose of the lands. The bill provides that he may dispose of the lands for not less than their appraised value, the sale to be made at public auction.

Mr. ROBINSON of Arkansas. I have no objection.

Mr. TRAMMELL. Mr. President, will the chairman of the committee explain why it is that this privilege is restricted to some owner who possesses land within 20 miles of the land which it is proposed to sell?

Mr. STANFIELD. The committee thought that a wise provision, in order that the land might be purchased by residents of the locality where the areas lie. This applies to what is commonly known as waste land. The lands would be of little actual value and it is not the purpose or intent of the bill that those lands might be bought for speculative purposes by nonresidents. Therefore the provision was incorporated.

Mr. TRAMMELL. The Senator does not care to obtain new settlers apparently. He wants to restrict the privilege to those who are already there.

Mr. STANFIELD. If a person comes into the community as a settler and abides there, then, of course, he becomes a resident.

Mr. TRAMMELL. From a mere reading of the language of the bill, without understanding the situation, I would infer that the purpose and object of the bill was to give a monopoly to the men who live in the community, in order that they may buy the land at such prices as they see fit to offer.

Mr. STANFIELD. No; the purpose is to provide that in order to be a bona fide purchaser under the act he must become a resident, just as provision is made under the homestead law.

Mr. TRAMMELL. It is proposed to so circumscribe the purchaser that the land may be sold for little or nothing. That is the object and purpose of the bill, as I infer from the restrictions which are made.

Mr. STANFIELD. I am sure the Senator from Oregon has no desire that the bill shall become a law, if that is the intention of it.

Mr. TRAMMELL. I think the bill will have that effect.

Mr. OVERMAN. I ask the Senator from Oregon whether the bill has been referred to the department and whether any report has been made upon it?

Mr. STANFIELD. The bill has been so referred.

Mr. OVERMAN. The report does not show that the Interior Department has made any statement in reference to the bill.

Mr. STANFIELD. The bill was referred to the department.

Mr. OVERMAN. What did the department state about it? There is nothing in the committee report to show what the Secretary of the Interior or the secretary of any other department has said about the bill.

Mr. STANFIELD. The bill went to the Secretary of the Interior, and, of course, the only purpose is to grant him authority.

Mr. OVERMAN. But I say the Secretary of the Interior has made no report on the bill.

Mr. STANFIELD. It may be that the report of the department is not embodied in the report of the committee, but I am quite sure that such a report was made.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. OVERMAN. I think the bill had better go over until we can ascertain the opinion of the department in reference to it.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS OF CHEYENNE AND ARAPAHOE TRIBES

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4223) to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and the Arapahoe Tribes to file suit in the Court of Claims. It proposes to extend the time within which suit or suits may be filed under the terms of the act of Congress of June 3, 1920 (41 Stat. L. p. 738), for the term of two years from the date of the approval of the act for the purpose only of permitting the Arapahoe and Cheyenne Tribes of Indians residing in the States of Wyoming, Montana, and Oklahoma to file a separate petition or suit in the Court of Claims for the determination of any claim or claims of said tribes of Indians to the whole or any part of the subject matter of any pending suit or to file other suits hereafter under the terms of the act; but unless suit be brought within the time herein stated all such claims shall be forever barred.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPENSATION TO LONGSHOREMEN AND THEIR DEPENDENTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3170) to provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

SHORT TITLE

SECTION 1. This act may be cited as "Longshoremen's and harbor workers' compensation act."

DEFINITIONS

SEC. 2. When used in this act—

(1) The term "person" means individual, partnership, corporation, or association.

(2) The term "injury" means accidental injury arising out of and in the course of employment, and such disease or infection as arises out of such employment or as naturally or unavoidably results from such accidental injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

(3) The term "employee" does not include a master or seaman as defined in section 4612 of the Revised Statutes, as amended.

(4) The term "employer" means an employer any of whose employees are employed in whole or in part upon the navigable waters of the United States (including any dry dock), or on board a vessel of the United States upon the high seas.

(5) The term "carrier" means any person or fund authorized under section 33 to insure under this act and includes self-insurers.

(6) The term "commission" means the United States Employees' Compensation Commission.

(7) The term "deputy commissioner" means the deputy commissioner having jurisdiction in respect of an injury or death.

(8) The term "State" includes a Territory and the District of Columbia.

(9) The term "United States," when used in a geographical sense, means the several States and Territories and the District of Columbia, including the territorial waters thereof.

COVERAGE

SEC. 3. (a) Compensation shall be payable under this act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any dry dock) or occurring while such employee was employed on board a vessel of the United States

upon the high seas, and if recovery for the disability or death through workmen's compensation proceedings may not validly be provided by State law. No compensation shall be payable in respect of the disability or death of—

(1) A master or seaman, as defined in section 4612 of the Revised Statutes, as amended; or

(2) An officer or employee of the United States or of any State or foreign government, or of any political subdivision thereof; or

(3) An employee of a common carrier by railroad engaged in interstate or foreign commerce or in commerce within any Territory or the District of Columbia, if the injury from which the disability or death results occurred while the employee was employed in such commerce.

(b) No compensation shall be payable if the injury was occasioned solely by the intoxication of the employee or by the willful intention of the employee to injure or kill himself or another.

LIABILITY FOR COMPENSATION

SEC. 4. (a) Every employer shall be liable for and shall secure the payment to his employees of the compensation payable under section 3. In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor unless the subcontractor has secured such payment.

(b) Compensation shall be payable irrespective of fault as a cause for the injury.

EXCLUSIVENESS OF LIABILITY

SEC. 5. The liability of an employer prescribed in section 4 shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to make payment of compensation as required by this act, an injured employee, or his legal representative in case death results from the injury, may elect to claim compensation under this act, or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 6. No compensation shall be allowed for the first three days of disability following any injury, but the benefits of paragraph (2) of subdivision (a) of section 7 shall be available from the date of such injury.

APPLICATION OF FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 7. (a) Except as otherwise specifically provided by this act—

(1) The provisions of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as now or hereafter amended or supplemented, in respect of the amount and manner of payment of compensation, the persons entitled to compensation, penalties in respect of the payment and acceptance of compensation, and fees, disagreements, and traveling and other expenses in respect of physical examinations, shall be applicable in respect of disability or death resulting from injuries for which compensation may be had under this act.

(2) Every employer shall (in addition to the compensation provided by this act) be liable for and shall provide, in accordance with the provisions of such act of September 7, 1916, as now or hereafter amended or supplemented, in the case of disability of an employee, medical, surgical, hospital services and supplies, and physical examinations, and, in the case of death of an employee, burial expenses.

(b) The provisions of such act of September 7, 1916, made applicable by this section, shall be administered by the deputy commissioners under regulations prescribed by the commission.

FAILURE TO FURNISH MEDICAL SERVICES AND SUPPLIES

SEC. 8. If the employer fails to furnish services and supplies as required by this act, (1) the deputy commissioner may order such services and supplies furnished to the injured employee at the expense of the employer; or (2) an injured employee may provide such services and supplies for himself at the expense of the employer if the person giving such services and supplies furnishes to the employer and to the deputy commissioner within 20 days after such services have commenced a report of the injury on a form prescribed by the commission.

DETERMINATION OF PAY

SEC. 9. (a) The provisions of such act of September 7, 1916, in respect of computing monthly pay and determining wage-earning capacity shall be applicable in the determination of the monthly pay of the employee.

(b) The average monthly pay of the employee at the time of the injury shall be taken as the basis upon which to compute compensation and shall be determined as follows:

(1) If during substantially the entire year immediately preceding his injury the employee has worked in the employment in which he was working at the time of his injury, his average annual earnings shall be 300 times his average daily pay in such employment during the days in such year when he was so employed.

(2) If during substantially the entire year immediately preceding his injury the employee has not worked in such employment, his average annual earnings shall be 300 times the average daily pay of an employee of the same class working substantially such entire year in the same or similar employment in the same or a neighboring locality.

(3) If the methods provided in paragraph (1) and (2) of this subdivision are inapplicable in any case, the average annual earnings of the injured employee shall be such sum as, having regard to previous earnings of the injured employee and other employees of the same or most similar class, working in the same or most similar employment in the same or a neighboring locality, reasonably represents the annual earning capacity of the injured employee in the employment in which he was working at the time of injury.

(c) The average monthly pay of an employee shall be one-twelfth of his average annual earnings.

INJURY INCREASING DISABILITY

SEC. 10. If an employee receives an injury which of itself would result only in partial disability but which when combined with an existing disability either results in total disability or increases the degree of partial disability, the employer shall provide compensation only for such part of the disability as the deputy commissioner determines resulted from such injury, and compensation for the remainder of the disability as determined by the deputy commissioner shall be paid from the fund established in section 45.

GUARDIAN FOR MINOR OR INCOMPETENT

SEC. 11. The deputy commissioner may require the appointment, for any person who is mentally incompetent or a minor, of a guardian or other representative to receive compensation payable to such person under this act and to exercise the powers granted to or to perform the duties required of such person under this act. In the absence of such a requirement by the deputy commissioner the appointment of a guardian or other representative for such purpose shall be unnecessary.

NOTICE OF INJURY OR DEATH

SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this act shall be given within 30 days after the date of such injury or death (1) to the deputy commissioner in the compensation district in which such injury occurred and (2) to the employer.

(b) Such notice shall be in writing, shall contain the name and address of the employee and a statement of the time, place, nature, and cause of the injury or death, and shall be signed by the employee or by some person on his behalf, or in case of death, by any person claiming to be entitled to compensation for such death or by a person on his behalf.

(c) Notice shall be given to the deputy commissioner by delivering it to him or sending it by mail addressed to his office, and to the employer by delivering it to him or by sending it by mail addressed to him at his last known place of business. If the employer is a partnership, such notice may be given to any partner, or if a corporation, such notice may be given to any agent or officer thereof upon whom legal process may be served or who is in charge of the business in the place where the injury occurred.

(d) Failure to give such notice shall not bar any claim under this act (1) if the employer (or his agent in charge of the business in the place where the injury occurred) or the carrier had knowledge of the injury or death and the deputy commissioner determines that the employer or carrier has not been prejudiced by failure to give such notice, or (2) if the deputy commissioner excuses such failure on the ground that for some satisfactory reason such notice could not be given; nor unless objection to such failure is raised before the deputy commissioner at the first hearing of a claim for compensation in respect of such injury or death.

TIME FOR FILING OF CLAIMS

SEC. 13. (a) The right to compensation for disability under this act shall be barred unless a claim therefor is filed within one year after the injury, and the right to compensation for death shall be barred unless a claim therefor is filed within one year after the death, except that if payment of compensation has been made without an award on account of such injury or death a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or such death occurred.

(b) Notwithstanding the provisions of subdivision (a) failure to file a claim within the period prescribed in such subdivision shall not be a bar to such right unless objection to such failure is made at the first hearing of such claim in which all parties in interest are given reasonable notice and opportunity to be heard.

(c) If a person who is entitled to compensation under this act is mentally incompetent or a minor, the provisions of subdivision (a) shall not be applicable so long as such person has no guardian or other authorized representative, but shall be applicable in the case of a person who is mentally incompetent or a minor from the date of appointment of such guardian or other representative, or in the case of a minor, if no guardian is appointed before he becomes of age, from the date he becomes of age.

(d) Where recovery is denied to any person, in a suit brought at law or in admiralty to recover damages in respect of injury or death, on the ground that such person was an employee and that the defendant was an employer within the meaning of this act and that such employer had secured compensation to such employee under this act, the limitation of time prescribed in subdivision (a) shall begin to run only from the date of termination of such suit.

PAYMENT OF COMPENSATION

SEC. 14. (a) Compensation under this act shall be paid periodically, promptly, and directly to the person entitled thereto, without an award, except where liability to pay compensation is controverted by the employer.

(b) The first installment of compensation shall become due on the fourteenth day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter compensation shall be paid in installments, semi-monthly, except where the deputy commissioner determines that payment in installments should be made monthly or at some other period.

(c) Upon making the first payment, and upon suspension of payment for any cause the employer shall immediately notify the deputy commissioner, in accordance with a form prescribed by the commission, that payment of compensation has begun or has been suspended, as the case may be.

(d) If the employer controverts the right to compensation, he shall file with the deputy commissioner on or before the fourteenth day after he has knowledge of the alleged injury or death, a notice, in accordance with a form prescribed by the commission, stating that the right to compensation is controverted, the name of the claimant, the name of the employer, the date of the alleged injury or death, and the grounds upon which the right to compensation is controverted.

(e) If any installment of compensation payable without an award is not paid within 14 days after it becomes due, as provided in subdivision (b) of this section, there shall be added to such unpaid installment an amount equal to 10 per cent thereof, which shall be paid at the same time as but in addition to such installment, unless notice is filed under subdivision (d) of this section, or unless such nonpayment is excused by the deputy commissioner after a showing by the employer that owing to conditions over which he had no control such installment could not be paid within the period prescribed for the payment.

(f) If any compensation, payable under the terms of an award, is not paid within 10 days after it becomes due, there shall be added to such unpaid compensation an amount equal to 20 per cent thereof, which shall be paid at the same time as but in addition to such compensation, unless review of the compensation order making such award is had as provided in section 21.

(g) Within 16 days after final payment of compensation has been made, the employer shall send to the deputy commissioner a notice in accordance with a form prescribed by the commission, stating that such final payment has been made, the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid. If the employer fails to so notify the deputy commissioner within such time the commission shall assess against such employer a civil penalty in the amount of \$100.

(h) The deputy commissioner (1) may upon his own initiative at any time in a case in which payments are being made without an award, and (2) shall in any case where right to compensation is controverted, or where payments of compensation have been stopped or suspended, upon receipt of notice from any person entitled to compensation, or from the employer, that the right to compensation is controverted, or that payments of compensation have been stopped or suspended, make such investigations, cause such medical examinations to be made, or hold such hearings, and take such further action as he considers will properly protect the rights of all parties.

(i) Whenever the deputy commissioner deems it advisable he may require any employer to make a deposit with the Treasurer of the United States to secure the prompt and convenient payment of such compensation, and payments therefrom upon any awards shall be made upon order of the deputy commissioner.

(j) Whenever the deputy commissioner determines that it is for the best interests of a person entitled to compensation, the liability of the employer for such compensation may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per cent true discount compounded annually. The probability of the death of the injured employee or other person

entitled to compensation before the expiration of the period during which he is entitled to compensation shall be determined in accordance with the American Experience Table of Mortality. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(k) If the employer has made advance payments of compensation he shall be entitled to be reimbursed out of any unpaid installment or installments of compensation due.

(l) An injured employee, or in case of death his dependents or personal representative, shall give receipts for payment of compensation to the employer paying the same, and such employer shall produce the same for inspection by the deputy commissioner whenever required.

INVALID AGREEMENTS

SEC. 15. (a) No agreement by an employee to pay any portion of premium paid by his employer to a carrier or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation as required by this act shall be valid, and any employer who makes a deduction for such purpose from the pay of any employee entitled to the benefits of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000.

(b) No agreement by an employee to waive his right to compensation under this act shall be valid.

ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS

SEC. 16. No assignment, release, or commutation of compensation or benefits due or payable under this act, except as provided by this act, shall be valid, and such compensation and benefits shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived.

COMPENSATION A LIEN AGAINST ASSETS

SEC. 17. Compensation shall have the same preference of lien against the assets of the carrier or employer without limit of amount as is now or may hereafter be allowed by law to the claimant for unpaid wages or otherwise.

COLLECTION OF DEFAULTED PAYMENTS

SEC. 18. In case of default by the employer in the payment of compensation due under any award of compensation for a period of 30 days after the compensation is due and payable, the person to whom such compensation is payable may, within one year after such default, make application to the deputy commissioner making the compensation order for a supplementary order declaring the amount of the default. After investigation, notice, and hearing, as provided in section 19, the deputy commissioner shall make a supplementary order, declaring the amount of the default, which shall be filed in the same manner as the compensation order. In case the payment in default is an installment of the award, the deputy commissioner may, in his discretion, declare the whole of the award as the amount in default. The applicant may file a certified copy of such supplementary order with the clerk of the Federal district court for the judicial district in which the employer has his principal place of business or maintains an office, or for the judicial district in which the injury occurred. In case such principal place of business or office or place where the injury occurred is in the District of Columbia, a copy of such supplementary order may be filed with the clerk of the Supreme Court of the District of Columbia. Such supplementary order of the deputy commissioner shall be final, and the court shall upon the filing of the copy enter judgment for the amount declared in default by the supplementary order if such supplementary order is in accordance with law. Review of the judgment so entered may be had as in civil suits for damages at common law. Final proceedings to execute the judgment may be had by writ of execution in the form used by the court in suits at common law in actions of assumpsit. No fee shall be required for filing the supplementary order nor for entry of judgment thereon, and the applicant shall not be liable for costs in a proceeding for review of the judgment unless the court shall otherwise direct. The court shall modify such judgment to conform to any later compensation order upon presentation of a certified copy thereof to the court.

PROCEDURE IN RESPECT OF CLAIMS

SEC. 19. (a) Subject to the provisions of section 13 a claim for compensation may be filed with the deputy commissioner in accordance with regulations prescribed by the commission at any time after the first three days of disability following any injury, or at any time after death, and the deputy commissioner shall have full power and authority to hear and determine all questions in respect of such claim.

(b) Within 10 days after such claim is filed the deputy commissioner, in accordance with regulations prescribed by the commission, shall notify the employer and any other person (other than the claimant), whom the deputy commissioner considers an interested party, that a claim has been filed. Such notice may be served personally upon the employer or other person, or sent to such employer or person by registered mail.

(c) The deputy commissioner shall make or cause to be made such investigations as he considers necessary in respect of the claim, and upon application of any interested party shall order a hearing thereon. If a hearing on such claim is ordered the deputy commissioner shall give the claimant and other interested parties at least 10 days' notice of such hearing, served personally upon the claimant and other interested parties or sent to such claimant and other interested parties by registered mail, and shall within 20 days after such hearing is had, by order, reject the claim or make an award in respect of the claim. If no hearing is ordered within 20 days after notice is given as provided in subdivision (b), the deputy commissioner shall, by order, reject the claim or make an award in respect of the claim.

(d) At such hearing the claimant and the employer may each present evidence in respect of such claim and may be represented by any person authorized in writing for such purpose.

(e) The order rejecting the claim or making the award (referred to in this act as a compensation order) shall be filed in the office of the deputy commissioner, and a copy thereof shall be sent by registered mail to the claimant and to the employer at the last known address of each.

(f) An award of compensation for disability may be made after the death of an injured employee.

(g) After a compensation order has issued in any case the deputy commissioner may transfer such case to any other deputy commissioner for the purpose of taking testimony or making physical examinations.

PRESUMPTIONS

SEC. 20. In any proceeding for the enforcement of a claim for compensation under this act it shall be presumed in the absence of substantial evidence to the contrary—

(a) That the claim comes within the provisions of this act.

(b) That sufficient notice of such claim has been given.

(c) That the injury was not occasioned solely by the intoxication of the injured employee.

(d) That the injury was not occasioned by the willful intention of the injured employee to injure or kill himself or another.

REVIEW OF COMPENSATION ORDERS

SEC. 21. (a) A compensation order shall become effective when filed in the office of the deputy commissioner as provided in section 19, and unless proceedings for the suspension or setting aside of such order are instituted as provided in subdivision (b) of this section, shall become final at the expiration of the thirtieth day thereafter.

(b) If not in accordance with law, a compensation order may be suspended or set aside, in whole or in part, through injunction proceedings, mandatory or otherwise, brought by any party in interest against the deputy commissioner making the order, and instituted in the Federal district court for the judicial district in which the injury occurred (or in the Supreme Court of the District of Columbia if the injury occurred in the District). The orders, writs, and processes of the court in such proceedings may run, be served, and be returnable anywhere in the United States. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless upon application for an interlocutory injunction the court, on hearing, after not less than three days' notice to the parties in interest and the deputy commissioner, allows the stay of such payments, in whole or in part, where irreparable damage would otherwise ensue to the employer. The order of the court allowing any such stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that such irreparable damage would result to the employer, and specifying the nature of the damage.

(c) If any employer or his officers or agents fails to comply with the compensation order, making an award, that has become final, any beneficiary of such award or the deputy commissioner making the order, may apply for the enforcement of the order to the Federal district court for the judicial district in which the injury occurred (or to the Supreme Court of the District of Columbia if the injury occurred in the District). If the court determines that the order was made and served in accordance with law, and that such employer or his officers or agents have failed to comply therewith, the court shall enforce obedience to the order by writ of injunction or by other proper process, mandatory or otherwise, to enjoin upon such person and his officers and agents compliance with the order.

(d) Proceedings for suspending, setting aside, or enforcing a compensation order, whether rejecting a claim or making an award, shall not be instituted otherwise than as provided in this section and section 18.

MODIFICATION OF AWARDS

SEC. 22. Upon his own initiative, or upon application of any party in interest, on the ground of a change in conditions, the deputy commissioner may at any time during the term of an award and after the compensation order in respect of such award has become final, review such order in accordance with the procedure prescribed in respect of claims in section 19, and in accordance with such section issue a new

compensation order which may terminate, continue, increase, or decrease such compensation. Such new order shall not affect any compensation paid under authority of the prior order.

PROCEDURE BEFORE THE DEPUTY COMMISSIONER

SEC. 23. (a) In making an investigation or inquiry or conducting a hearing the deputy commissioner shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided by this act; but may make such investigation or inquiry or conduct such hearing in such manner as to best ascertain the rights of the parties. Declarations of a deceased employee concerning the injury in respect of which the investigation or inquiry is being made or the hearing conducted shall be received in evidence and shall, if corroborated by other evidence, be sufficient to establish the injury.

(b) Hearings before a deputy commissioner shall be open to the public and shall be stenographically reported, and the deputy commissioners, subject to the approval of the commission, are authorized to contract for the reporting of such hearings. The commission shall by regulation provide for the preparation of a record of the hearings and other proceedings before the deputy commissioners.

WITNESSES

SEC. 24. No person shall be required to attend as a witness in any proceeding before a deputy commissioner at a place outside of the State of his residence and more than 100 miles from his place of residence, unless his lawful mileage and fee for one day's attendance shall be first paid or tendered to him; but the testimony of any witness may be taken by deposition or interrogatories according to the rules of practice of the Federal district court for the judicial district in which the case is pending (or of the Supreme Court of the District of Columbia if the case is pending in the District).

WITNESS FEES

SEC. 25. Witnesses summoned in a proceeding before a deputy commissioner or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States.

COSTS IN PROCEEDINGS BROUGHT WITHOUT REASONABLE GROUNDS

SEC. 26. If the court having jurisdiction of proceedings in respect of any claim or compensation order determines that the proceedings in respect of such claim or order have been instituted or continued without reasonable ground, the costs of such proceedings shall be assessed against the party who has so instituted or continued such proceedings.

POWERS OF DEPUTY COMMISSIONERS

SEC. 27. (a) The deputy commissioner shall have power to preserve and enforce order during any such proceedings; to issue subpoenas for and to compel the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths; to examine witnesses; and to do all things conformable to law which may be necessary to enable him effectively to discharge the duties of his office.

(b) If any person in proceedings before a deputy commissioner disobeys or resists any lawful order or process, or misbehaves at a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered to do so, any pertinent book, paper, or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath as a witness, or after having taken the oath refuses to be examined according to law, the deputy commissioner shall certify the facts to the district court having jurisdiction in the place in which he is sitting (or to the Supreme Court of the District of Columbia if he is sitting in such District), which shall thereupon in a summary manner hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court.

FEES FOR SERVICES

SEC. 28. (a) No claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the deputy commissioner, or if proceedings for review of the order of the deputy commissioner in respect of such claim or award are had before any court, unless approved by such court. Any claim so approved shall, in the manner and to the extent fixed by the deputy commissioner or such court, be a lien upon such compensation.

(b) Any person (1) who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the deputy commissioner or such court, or (2) who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a misdemeanor, and upon conviction thereof, shall, for each offense, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

RECORD OF INJURY OR DEATH

SEC. 29. Every employer shall keep a record in respect of any injury to an employee. Such record shall contain such information of disease, other disability, or death in respect of such injury as the commission may by regulation require, and shall be available to inspection by the commission or by any State authority at such times and under such conditions as the commission may by regulation prescribe.

REPORTS

SEC. 30. (a) Within 10 days from the date of any injury or death or from the date that the employer has knowledge of a disease or infection in respect of such injury, the employer shall send to the commission a report setting forth (1) the name, address, and business of the employer; (2) the name, address, and occupation of the employee; (3) the cause and nature of the injury or death; (4) the year, month, day, and hour when and the particular locality where the injury or death occurred; and (5) such other information as the commission may require. A copy of such report shall be sent at the same time to the deputy commissioner in the compensation district in which the injury occurred.

(b) Additional reports in respect of such injury and of the condition of such employee shall be sent by the employer to the commission and to such deputy commissioner at such times and in such manner as the commission may prescribe.

(c) Any report provided for in subdivision (a) or (b) shall not be evidence of any fact stated in such report in any proceeding in respect of such injury or death on account of which the report is made.

(d) The mailing of any such report and copy in a stamped envelope, within the time prescribed in subdivisions (a) or (b), to the commission and deputy commissioner, respectively, shall be a compliance with this section.

(e) Any employer who fails or refuses to send any report required of him by this section shall be subject to a civil penalty not to exceed \$500 for each such failure or refusal.

PENALTY FOR MISREPRESENTATION

SEC. 31. Any person who willfully makes any false or misleading statement or representation for the purpose of obtaining any benefit or payment under this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not to exceed \$1,000 or by imprisonment of not to exceed one year, or by both such fine and imprisonment.

ADDITIONAL COMPENSATION

SEC. 32. If the injury or death is caused by the failure of the employer to comply with any statute the compensation otherwise payable under the provisions of this act shall be increased 15 per cent.

SECURITY FOR COMPENSATION

SEC. 33. (a) Every employer shall secure the payment of compensation under this act—

(1) By insuring and keeping insured the payment of such compensation with any stock company or mutual company or association, or with any other person or fund, while such person or fund is authorized (A) under the laws of the United States or of any State, to insure workmen's compensation, and (B) by the commission, to insure payment of compensation under this act; or

(2) By furnishing satisfactory proof to the commission of his financial ability to pay such compensation and receiving an authorization from the commission to pay such compensation directly. The commission may, as a condition to such authorization, require such employer to deposit in a depository designated by the commission either an indemnity bond or securities (at the option of the employer) of a kind and in an amount determined by the commission, and subject to such conditions as the commission may prescribe, which shall include authorization to the commission in case of default to sell any such securities sufficient to pay compensation awards or to bring suit upon such bonds, to procure prompt payment of compensation under this act. Any employer securing compensation in accordance with the provisions of this paragraph shall be known as a self-insurer.

(b) In granting authorization to any carrier to insure payment of compensation under this act the commission may take into consideration the recommendation of any State authority having supervision over carriers or over workmen's compensation, and may authorize any carrier to insure the payment of compensation under this act in a limited territory. The commission may suspend or revoke any such authorization for good cause shown after a hearing at which the carrier shall be entitled to be heard in person or by counsel and to present evidence. No suspension or revocation shall affect the liability of any carrier already incurred.

COMPENSATION FOR INJURIES WHERE THIRD PERSONS ARE LIABLE

SEC. 34. (a) If on account of a disability or death for which compensation is payable under this act the person entitled to such compensation determines that some person other than the employer is liable in damages, he may elect, by giving notice to the deputy commissioner in such manner as the commission may provide, to receive such compensation or to recover damages against such third person.

(b) Acceptance of such compensation shall operate as an assignment to the employer of all right of the person entitled to compensation to recover damages against such third person, whether or not the person entitled to compensation has notified the deputy commissioner of his election.

(c) The payment of such compensation into the fund established in section 45 shall operate as an assignment to the employer of all right of the legal representatives of the deceased (hereinafter referred to as "representative") to recover damages against such third person, whether or not the representative has notified the deputy commissioner of his election.

(d) Such employer on account of such assignment may either institute proceedings for the recovery of such damages or may compromise with such third person either without or after instituting such proceeding, but no compromise by the employer with such person shall be made unless approved by the person entitled to compensation or by the representative.

(e) Any amount recovered by such employer on account of such assignment, whether or not as the result of a compromise, shall be distributed as follows:

(1) The employer shall retain an amount equal to—

(A) The expenses incurred by him in respect of such proceedings or compromise (including a reasonable attorney's fee as determined by the deputy commissioner);

(B) The cost of all benefits actually furnished by him to the employee under paragraph 2 of subdivision (a) of section 7.

(C) All amounts paid as compensation, and the present value of all amounts payable as compensation, such present value to be computed in accordance with a schedule prepared by the commission, and the amounts so computed to be retained by the employer as a trust fund to pay such compensation as it becomes due, and to pay any sum in excess of such compensation to the person entitled to compensation or to the representative; and

(2) The employer shall pay any excess to the person entitled to compensation or to the representative.

(f) If the person entitled to compensation, or the representative, elects to recover damages against such third person and notifies the commission of his election and institutes proceedings within the period prescribed in section 13, the employer shall be required to pay as compensation under this act a sum equal to the excess of the amount which the commission determines is payable on account of such injury or death over the amount recovered against such third person.

(g) If a compromise with such third person is made by the person entitled to compensation, or such representative, of an amount less than the compensation to which such person or representative would be entitled to under this act, the employer shall be liable for compensation as determined in subdivision (e) only if such compromise is made with his written approval.

(h) The deputy commissioner may, if the person entitled to compensation under this act is a minor, make any election required under subdivision (a) of this section, or may authorize the parent or guardian of the minor to make such election.

COMPENSATION NOTICE

SEC. 35. Every employer who has secured compensation under the provisions of this act shall keep posted in a conspicuous place or places in and about his place or places of business typewritten or printed notices, in accordance with a form prescribed by the commission, stating that such employer has secured the payment of compensation in accordance with the provisions of this act. Such notices shall contain the name and address of the carrier, if any, with whom the employer has secured payment of compensation and the date of the expiration of the policy.

SUBSTITUTION OF CARRIER FOR EMPLOYER

SEC. 36. In any case where the employer is not a self-insurer, in order that the liability for compensation imposed by this act may be most effectively discharged by the employer, and in order that the administration of this act in respect of such liability may be facilitated, the commission shall by regulation provide for the discharge, by the carrier for such employer, of such obligations and duties of the employer in respect of such liability, imposed by this act upon the employer, as it considers proper in order to effectuate the provisions of this act. For such purposes (1) notice to or knowledge of an employer of the occurrence of the injury shall be notice to or knowledge of the carrier, (2) jurisdiction of the employer by a deputy commissioner, the commission, or any court under this act shall be jurisdiction of the carrier, and (3) any requirement by a deputy commissioner, the commission, or any court under any compensation order, finding, or decision shall be binding upon the carrier in the same manner and to the same extent as upon the employer.

INSURANCE POLICIES

SEC. 37. (a) Every policy or contract of insurance issued under authority of this act shall contain (1) a provision to carry out the provisions of section 36, and (2) a provision that insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the

carrier from payment of compensation for disability or death sustained by an employee during the life of such policy or contract.

(b) No contract or policy of insurance issued by a carrier under this act shall be canceled prior to the date specified in such contract or policy for its expiration until at least 30 days have elapsed after a notice of cancellation has been sent to the deputy commissioner and to the employer in accordance with the provisions of subdivision (c) of section 12.

CERTIFICATE OF COMPLIANCE WITH THIS ACT

SEC. 38. No stevedoring firm shall be employed in any compensation district by a vessel or by hull owners until it presents to such vessel or hull owners a certificate issued by a deputy commissioner assigned to such district that it has complied with the provisions of this act requiring the securing of compensation to its employees. Any person violating the provisions of this section shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

PENALTY FOR FAILURE TO SECURE PAYMENT OF COMPENSATION

SEC. 39. Any employer required to secure the payment of compensation under this act who fails to secure such compensation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. This section shall not affect any other liability of the employer under this act.

ADMINISTRATION

SEC. 40. (a) Except as otherwise specifically provided, the United States Employees' Compensation Commission shall administer the provisions of this act, and for such purpose the commission is authorized (1) to make such rules and regulations; (2) to appoint and fix the compensation of such temporary technical assistants and medical advisers, and, subject to the provisions of the civil service laws, to appoint, and, in accordance with the classification act of 1923, to fix the compensation of such deputy commissioners (except deputy commissioners appointed under subdivision (a) of section 41) and other officers and employees; and (3) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, periodicals, and for printing and binding) as may be necessary in the administration of this act. All expenditures of the commission in the administration of this act shall be allowed and paid as provided in section 49 upon the presentation of itemized vouchers therefor approved by the commission.

(b) The commission shall establish compensation districts, to include the high seas and the areas within the United States to which this act applies, and shall assign to each such district one or more deputy commissioners, as the commission deems advisable. Judicial proceedings under sections 18 and 21 of this act in respect to any injury or death occurring on the high seas shall be instituted in the district court within whose territorial jurisdiction is located the office of the deputy commissioner having jurisdiction in respect to such injury or death (or in the Supreme Court of the District of Columbia if such office is located in such District).

DEPUTY COMMISSIONERS

SEC. 41. (a) The commission may appoint as deputy commissioners any member of any board, commission, or other agency of a State to act as deputy commissioner for any compensation district or part thereof in such State, and may make arrangements with such board, commission, or other agency for the use of the personnel and facilities thereof in the administration of this act. The commission may make such arrangements as may be deemed advisable by it for the payment of expenses of such board, commission, or other agency, incurred in the administration of this act pursuant to this section, and for the payment of salaries to such board, commission, or other agency, or the members thereof, and may pay any amounts agreed upon to the proper officers of the State, upon vouchers approved by the commission.

(b) In any Territory of the United States or in the District of Columbia a person holding an office under the United States may be appointed deputy commissioner and for services rendered as deputy commissioner may be paid compensation, in addition to that he is receiving from the United States, in an amount fixed by the commission in accordance with the classification act of 1923.

(c) Deputy commissioners (except deputy commissioners appointed under subdivision (a) of this section) may be transferred from one compensation district to another and may be temporarily detailed from one compensation district for service in another in the discretion of the commission.

(d) Each deputy commissioner shall maintain and keep open during reasonable business hours an office, at a place designated by the commission, for the transaction of business under this act, at which office he shall keep his official records and papers. Such office shall be furnished and equipped by the commission, who shall also furnish the deputy commissioner with all necessary clerical and other assistants, records, books, blanks, and supplies. Wherever practicable such office shall be located in a building owned or leased by the United States; otherwise the commission shall rent suitable quarters.

(e) If any deputy commissioner is removed from office, or for any reason ceases to act as such deputy commissioner, all of his official records and papers and office equipment shall be transferred to his successor in office or, if there be no successor, then to the commission or to a deputy commissioner designated by the commission.

(f) Neither a deputy commissioner nor any business associate of a deputy commissioner shall appear as attorney in any proceeding under this act, and no deputy commissioner shall act in any case in which he is interested, or when he is employed by any party in interest or related to any party in interest by consanguinity or affinity within the third degree, as determined by the common law.

INVESTIGATIONS BY THE COMMISSION

SEC. 42. (a) The commission shall make studies and investigations with respect to safety provisions and the causes of injuries in employments covered by this act, and shall from time to time make to Congress and to employers and carriers such recommendations as it may deem proper as to the best means of preventing such injuries.

(b) In making such studies and investigations the commission is authorized (1) to cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any employment covered by this act, or with any State agency, engaged in enforcing any laws to assure safety for employees, and (2) to permit any such agency to have access to the records of the commission. In carrying out the provisions of this section the commission or any officer or employee of the commission is authorized to enter at any reasonable time upon any premises, tracks, wharf, dock, or other landing place, or upon any vessel, or to enter any building, where an employment covered by this act is being carried on, and to examine any tool, appliance, or machinery used in such employment.

TRAVELING EXPENSES

SEC. 43. The commissioners, deputy commissioners, and other employees of the commission shall be entitled to receive their necessary traveling expenses and expenses actually incurred for subsistence while traveling on official business and away from their designated stations, in an amount fixed by the commission not to exceed \$8 a day.

ANNUAL REPORT

SEC. 44. The commission shall make to Congress at the beginning of each regular session a report of the administration of this act for the preceding fiscal year, including a detailed statement of receipts of and expenditures from the funds established in sections 45 and 46, together with such recommendations as the commission deems advisable.

SPECIAL FUND

SEC. 45. (a) There is hereby established in the Treasury of the United States a special fund for the purpose of making payments in accordance with the provisions of section 10 of this act. Such fund shall be administered by the commission. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be money or property of the United States.

(b) The Treasurer is authorized to disburse moneys from such fund only upon order of the commission. He shall be required to give bond in an amount to be fixed and with securities to be approved by the Secretary of the Treasury and the Comptroller General of the United States conditioned upon the faithful performance of his duty as custodian of such fund.

(c) Payments into such fund shall be made as follows:

(1) Each employer shall pay \$1,000 as compensation for the death of an employee of such employer resulting from injury where the deputy commissioner determines that there is no person entitled under this act to compensation for such death.

(2) All amounts collected as fines and penalties under the provisions of this act (except amounts collected as civil penalties under subdivision (b) of section 47) shall be paid into such fund.

(d) The Treasurer of the United States shall deposit any moneys paid into such fund into such depository banks as the commission may designate and may invest any portion of the funds which, in the opinion of the commission, is not needed for current requirements, in bonds or notes of the United States or of any Federal land bank.

(e) Neither the United States nor the commission shall be liable in respect of payments authorized under section 10 in an amount greater than the money or property deposited in or belonging to such fund.

(f) The Comptroller General of the United States shall audit the account for such fund, but the action of the commission in making payments from such fund shall be final and not subject to review, and the Comptroller General is authorized and directed to allow credit in the accounts of any disbursing officer of the commission for payments made from such fund authorized by the commission.

(g) All civil penalties provided for in this act shall be collected by civil suit brought by the commission.

ADMINISTRATION FUND

SEC. 46. (a) There is hereby established in the Treasury of the United States a special fund for the purpose of providing for the payment of all expenses in respect of the administration of this act.

Such fund shall be administered by the commission. The Treasurer of the United States shall be the custodian of such fund, and all moneys and securities in such fund shall be held in trust by such Treasurer and shall not be the money or property of the United States.

(b) The provisions of subdivisions (b), (d), and (f) of section 45 shall be applicable to the fund hereby established.

EXPENSES OF ADMINISTRATION

SEC. 47. (a) The commission, beginning with the calendar year 1927, shall estimate semiannually in advance the amounts necessary for the administration of this act, in the following manner:

(1) The commission shall as soon as practicable after the 1st day of January and July in each year, determine the expense of administration of this act for the six-month period (hereinafter referred to as the prior period) preceding the 1st day of January or July, as the case may be. The expense of administration for such prior period shall be used as the basis for determining the amount to be assessed against each carrier in order to provide for the expenses for the administration of this act for the corresponding six-month period (hereinafter referred to as the current period) in the current calendar year.

(2) In determining the amount to be assessed for each current period—

(A) Any expense incurred during such prior period and properly chargeable to equipment and organization expenses may be prorated over any such period of not to exceed five years as the commission deems advisable.

(B) If a surplus remains out of amounts collected for expenses for such prior year, the amount to be assessed shall be reduced by the amount of such surplus; and if a deficit has been incurred in respect of amounts so collected for such period, the amount to be assessed shall be increased by the amount of such deficit.

(C) Until all amounts expended from amounts appropriated under the authority of section 48 have been repaid to the Treasury of the United States, an amount equal to 20 per cent of the estimate of the expenses for such current period shall be added to such estimate.

(3) The amount determined as the amount to be assessed against each carrier for the current period shall bear the same relation to the total amount to be assessed for such period as the total payments of compensation made by such carrier (as determined by the commission under subdivision (e)) during the prior period bears to the total payments made by all carriers during such period.

(b) The commission shall assess the amounts so determined and shall provide by regulation for the collection, prior to the commencement of the current period, of the amounts assessed against each carrier. Such amounts shall be paid within 30 days from the date that notice of such assessment is served upon such carrier in accordance with the provisions in respect of notices in subdivision (c) of section 12. If such amounts are not paid within such period, there shall be assessed, for each 30 days the amount so assessed remains unpaid, a civil penalty equal to 10 per cent of the amount so unpaid, which shall be collected at the same time as and as a part of the amount assessed.

(c) If any carrier fails to pay any amounts assessed against him under the provisions of subdivision (b) within 60 days from the time such notice is served upon him, the commission in accordance with the procedure specified in subdivision (b) of section 33 may suspend or revoke the authorization to insure compensation.

(d) All amounts collected under the provisions of this section shall be paid into the fund established in section 46.

(e) The commission is authorized to require from each carrier, at such times and in accordance with such regulations as the commission may prescribe, reports in respect of all payments of compensation made by such carrier during each prior period and to determine the amounts paid by each carrier and the amounts paid by all carriers during such period.

APPROPRIATION

SEC. 48. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, which shall be covered into the administration fund established in section 46, and shall be available for expenses incurred in the administration of this act during the remainder of the fiscal year ending June 30, 1926, and during the fiscal year ending June 30, 1927. All unexpended balances of any appropriations made under authority of this section, remaining in such fund on July 1, 1927, shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) All amounts added to the estimate of expenses for any current period under the authority of subparagraph (C) of paragraph (2) of subdivision (a) of section 47 shall, when collected, be covered into the Treasury of the United States as reimbursement for amounts expended from amounts appropriated under authority of subdivision (a) of this section.

AVAILABILITY OF APPROPRIATIONS

SEC. 49. The expenses incurred for salaries and contingent expenses by the United States Employees' Compensation Commission in the administration (1) of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in

the performance of their duties, and for other purposes," approved September 7, 1916, as amended, and (2) of this act, may be paid from the appropriations for salaries and contingent expenses for the administration of such act of September 7, 1916, and from the fund established in section 46 of this act, in such proportion as the commission, with the approval of the Director of the Bureau of the Budget, determines to be fairly attributable to the cost of administration of the respective acts, but the total amount paid from such appropriation and such fund in any fiscal year on account of the administration of such act of September 7, 1916, shall not exceed the amounts appropriated for salaries and contingent expenses for the administration of such act for such year.

LAWS INAPPLICABLE

SEC. 50. Nothing in sections 4283, 4284, 4285, 4286, or 4289 of the Revised Statutes, as amended, nor in section 18 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, as amended, shall be held to limit the amount for which recovery may be had (1) in any suit at law or in admiralty where an employer has failed to secure compensation as required by this act, or (2) in any proceeding for compensation, any addition to compensation, any assessment under section 47, or any civil penalty.

EFFECT OF UNCONSTITUTIONALITY

SEC. 51. If any part of this act is adjudged unconstitutional by the courts, and such adjudication has the effect of invalidating any payment of compensation under this act, the period intervening between the time the injury was sustained and the time of such adjudication shall not be computed as a part of the time prescribed by law for the commencement of any action against the employer in respect of such injury; but the amount of any compensation paid under this act on account of such injury shall be deducted from the amount of damages awarded in such action in respect of such injury.

SEPARABILITY PROVISION

SEC. 52. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 53. Sections 40 to 53, inclusive, shall become effective upon the passage of this act, and the remainder of this act shall become effective on July 1, 1926.

Mr. JONES of Washington. Mr. President, this is a very long bill. Is there some Senator present who can explain it?

Mr. WALSH. Mr. President, I hope the bill will have the consideration of the Senate. It is a very important measure. Under various decisions of the Supreme Court of the United States those who are generally known as longshoremen are not permitted to receive the benefits of the workmen's compensation acts passed by the various States, the Supreme Court holding that they belong to the maritime service and are, therefore, under the exclusive jurisdiction of the Congress of the United States. When that decision was rendered Congress passed an act, the purpose of which was to bring such workmen under the State acts, but the Supreme Court again held that such legislation was beyond the power of Congress. So it becomes necessary to enact a special compensation act for workmen of that class.

This bill is in the form of the ordinary workmen's compensation act, requiring those who employ longshoremen to provide a fund out of which those injured in the service may be compensated.

Mr. JONES of Washington. Is there a unanimous report in favor of the bill by the Committee on the Judiciary?

Mr. WALSH. Yes; there is.

Mr. JONES of Washington. I have no objection to the bill.

Mr. WALSH. Mr. President, let me say that the bill as originally referred to the committee contained a complete schedule of compensation for deaths and injuries, but the scale was considerably higher than the scale provided in the compensation act under which those in the civil service are compensated in the case of injury or death. The administration of the proposed act is put in the hands of the Employees' Compensation Commission, which determines claims arising under the general compensation act. We struck out the schedule that was provided by the bill and substituted in lieu thereof a provision to the effect that the scale of compensation that is now or hereafter may be provided in the compensation act for civil-service employees of the Government shall be the compensation to be accorded to the longshoremen.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment reported as a substitute for the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes."

B. JACKSON

The bill (H. R. 595) for the relief of B. Jackson, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF WILLIAM FRIES, DECEASED

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 962) for the relief of the estate of William Fries, deceased. It directs the Postmaster General to credit the account of William Fries, formerly postmaster at Alton, Ill., in the sum of \$35,307.80, due to the United States on account of postage stamps and war revenue stamps which were lost as the result of burglary on May 12, 1924.

Mr. ROBINSON of Arkansas. Mr. President, this bill carries an authorization to the Postmaster General to credit the account of William Fries, formerly postmaster at Alton, Ill., in the amount of \$35,307.80. It apparently relieves the former postmaster at that place of that amount of liability on account of postage stamps and war-revenue stamps which were lost as the result of a burglary on May 12, 1924. Will not some Senator make a justification for the bill and explain the facts on which it is based?

Mr. MEANS. Mr. President, this bill was previously reported to the Senate, and then was recommitted to the Committee on Claims. It is occasioned by a post-office robbery at Alton, Ill., as a result of which a considerable sum was lost. I forget how many burglars were engaged in the robbery, but I think nine were apprehended. The bill was reported favorably, and then, inasmuch as some of the defendants, who have all been convicted, had intimated that perhaps the postmaster was to blame, the post-office inspectors made a careful examination of the facts and reported that the postmaster was blameless—that he was not negligent—and after the assurance from the Post Office Department that they had exhausted every effort to obtain testimony the committee came to the conclusion that the postmaster was not to blame. The bill was therefore reported out by the committee in the belief that the postmaster should be relieved.

Mr. ROBINSON of Arkansas. Was any evidence submitted tending to implicate the postmaster?

Mr. MEANS. There was no evidence to that effect, but there was such an intimation, and so, without action of the Senate, I had the bill recommitted because the Post Office Department had informed me that there had been later developments and some such intimation; but the Senator will notice the report of the inspectors subsequently submitted absolutely convinced the committee that there was nothing in the case tending to cast any reflection upon the character or integrity of the postmaster; in other words, the Post Office Department and the post office inspectors entirely freed him from any responsibility for the burglary.

Mr. ROBINSON of Arkansas. Did the committee go into the question of the moral liability of the postmaster?

Mr. MEANS. I am afraid the Senator will have to be more specific, although I may say there is no liability upon the part of the postmaster; that is, there was no carelessness. It was quite a large robbery and was thoroughly planned. The defendants, as I have said, have all been apprehended, and there is no blame attached to the postmaster.

Mr. ROBINSON of Arkansas. The committee, then, took the conclusion of the post-office inspectors that the postmaster was not implicated in the crime?

Mr. MEANS. That is true.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON R. CURTIS

The bill (H. R. 2207) for the relief of Simon R. Curtis, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS A. HOGUE

The bill (H. R. 4125) for the relief of Louis A. Hogue, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICE LAKE, MINN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1613) setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota, which had been reported from the Committee on Indian Affairs with amendments, in section 1, on page 1, line 8, after the words "to wit," to strike out "Beginning at the center of section 9 in township 145 north, range 38 west, and running due south through the center of sections 16, 21, 28, and 35 in said township and range, and on, due south, through the center of section 4 to the southwest corner of lot 1 in section 9, township 144 north, range 38 west; thence east, following the section line, to the center of section 12, township 144 north, range 38 west; thence north, through the center of section 11 in township 144 north, range 38 west, and sections 36, 25, 24, 13, and on to the center of section 12, all in township 145 north, range 38 west, and thence due west to the point of beginning" and to insert:

Beginning at the northwest corner of the northeast quarter of the southeast quarter of section 8 in township 145 north, range 38 west, and running due east to the northeast corner of southeast quarter of section 9; thence south to northeast corner of northeast quarter of section 16; thence due east to northeast corner of northeast quarter of section 14, township 145 north, range 38 west; thence due south to southeast corner of northeast quarter of section 2, township 144 north, range 38 west; thence due west to southwest corner of northwest quarter of section 3 of said township and range; thence due north to southwest corner of northwest quarter of section 15, township 145 north, range 38 west; thence due west to southwest corner of northwest quarter of section 16; thence due north to northwest corner of northwest quarter of said section 16; thence west to southwest corner of southeast quarter of southeast quarter of section 8; thence north to point of beginning, which, excluding the lake bed, contains approximately 4,500 acres."

The amendment was agreed to.

The next amendment was, in section 2, line 8, after the word "now," to insert the words "owned by the State of Minnesota or"; and at the beginning of line 10, to insert "from private owners," so as to make the section read:

SEC. 2. All unallotted and undisposed of lands within the area described in section 1 hereof are hereby permanently withdrawn from sale or other disposition and are made a part of said reserve, and the Secretary of the Interior is authorized to acquire by purchase any lands within said area now owned by the State of Minnesota or in private ownership at a price not to exceed \$5 per acre, and to acquire from private owners by condemnation proceedings, in accordance with the laws of the State of Minnesota relating to the condemnation of private property for public use, any lands within said area which can not be purchased at the price herein named; the purchase price and costs of acquiring said lands to be paid out of the trust fund standing to the credit of all the Chippewa Indians of Minnesota in the Treasury of the United States upon warrants drawn by the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF CHIPPEWA INDIANS OF MINNESOTA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1616) authorizing the classification of the Chippewa Indians of Minnesota as competent and incompetent, which had been reported from the Committee on Indian Affairs with amendments.

Mr. ROBINSON of Arkansas. Mr. President, I ask the Senator from Minnesota to analyze this bill.

Mr. SHIPSTEAD. Mr. President, the bill seeks to have a roll made of the competent and incompetent Indians on the White Earth Reservation in Minnesota and to provide for a division of certain property to the competent Indians and a continuance of the segregation of proportionate property to the incompetent Indians, to be held in trust by the Government.

Mr. ROBINSON of Arkansas. Have the Indians themselves in council or otherwise taken any action with respect to the proposed legislation?

Mr. SHIPSTEAD. In answer to the question of the Senator, I call his attention to section 7 of the amendment reported by the committee, which reads as follows:

SEC. 7. Except as to section 1 hereof this act shall not become effective until two-thirds of the properly enrolled male Chippewa Indians of Minnesota over 18 years of age shall have agreed thereto in writing and until a proclamation of the President to that effect. The commission is authorized to present and explain this act to the Indians for the purpose of obtaining their approval and to submit a report thereof to the Secretary of the Interior.

That will assure the Indians an opportunity to voice their wishes.

The PRESIDING OFFICER. The clerk will state the amendment reported by the committee.

The amendment reported by the committee was to strike out all after the enacting clause and to insert:

That the President is hereby authorized to appoint a commission of three persons, one of whom shall be a member of the Chippewa Tribe of Indians of Minnesota, one an employee of the Department of the Interior, and one a resident citizen of the State of Minnesota. The members of said commission shall make oath or affirmation to support the Constitution of the United States and faithfully to discharge their duties. Said commission shall designate one of its members to act as chairman and another as secretary. The two members of the commission other than the employee of the Department of the Interior shall each receive compensation at the rate of \$10 per diem and, including such employee, their actual and necessary expenses while engaged in the performance of their duties, to be paid upon itemized accounts certified by the commission and approved by the Secretary of the Interior. The commission is authorized, with the approval of the Secretary of the Interior, to employ necessary clerical and other help. The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States not to exceed \$25,000 of the principal fund of the Chippewa Indians of Minnesota for payment of the compensation and expenses of the commission and its employees as herein provided, to be taken from the amount set aside under section 8 hereof.

SEC. 2. Said commission shall prepare rolls of all Chippewa Indians of Minnesota living on July 1, 1927, which shall show the Indian and English names, address, date of birth, degree of blood, sex, family relationship, and date of enrollment under the act of January 14, 1889 (25 Stat. L. p. 642), or otherwise, as follows:

- (1) Competent adults and their minor children.
- (2) Incompetent adults and their minor children.
- (3) Minor children whose parents are both dead with the names of the parents.

For the purposes of this act 21 years shall be deemed the age of majority.

Said rolls, when approved by the Secretary of the Interior, shall be conclusive for the purposes of section 3 hereof: *Provided*, That if otherwise entitled the names of any children born after July 1, 1927, shall be placed on the proper roll for future payments and distributions in conformity with section 4 of this act.

SEC. 3. Upon approval of said rolls the Secretary of the Interior is hereby authorized and directed to set apart under an appropriate designation from the principal fund of the Chippewa Indians of Minnesota accruing under the said act of January 14, 1889, or otherwise, the sum of \$1,500,000, which shall bear interest at the rate of 5 per cent per annum to be credited to the principal fund semiannually, the combined fund of principal and interest to be subject only to annual appropriation by Congress for the benefit of all the Chippewa Indians of Minnesota. The Secretary of the Interior shall then determine the pro rata share of each enrollee in the remainder of said principal fund; pay to competent adults their respective shares; deposit at interest in properly bonded banks the shares of the minor children of competent adults; and pay not to exceed \$50 annually from the funds of each minor to the parent or guardian for the support and education of said minors: *Provided*, That the Secretary of the Interior may at any time in his discretion suspend such payments to any parent or guardian who has failed properly to use or account for previous payments, and expend the balance of said shares for the best interests of the minors. The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States so much of the said remaining principal fund as may be necessary to carry out this provision. The aggregate of the shares of incompetent Indians, their minor children, and orphan minors shall remain undivided in the Treasury of the United States and be carried as the "Chippewa in Minnesota Fund, Incompetent Indians," which shall belong to and be held as a common fund for the exclusive use and benefit of the incompetent adults, their minor children, and orphan minors, at 5 per cent interest to be credited to the principal fund semiannually, the combined fund of principal and interest to be disposed of only as herein provided.

SEC. 4. All funds thereafter accruing to the Chippewa Indians of Minnesota from any source shall be deposited separately in the Treasury of the United States to the credit of the "Chippewa in Minnesota Fund" and shall bear interest at the rate of 5 per cent per annum to be credited to the principal fund semiannually and disposed of only as herein provided. Whenever the combined fund of

principal and interest reaches a sufficient amount the Secretary of the Interior is authorized in his discretion to make similar withdrawals, payments, and deposits therefrom as provided in section 3 hereof, to all enrolled Indians living on the date thereof.

SEC. 5. The Secretary of the Interior is authorized in his discretion upon satisfactory showing of competency to transfer to the competent roll the names of any adult Indians originally enrolled as incompetent and the names of any minors on the incompetent or orphan minor roll upon reaching the age of 21 years, and to pay to them their respective pro rata shares of the incompetent fund created by section 3 hereof then available, and upon such transfer to withdraw from the Treasury of the United States and deposit at interest in properly bonded banks the shares of the minor children of said adults subject to payment to the parents or guardians as provided in said section 3: *Provided*, That until such withdrawal the incompetent adults, their minor children, and orphan minors shall have no vested or descendible right to their respective shares, which in the event of death prior thereto shall remain in the fund.

SEC. 6. An annual appropriation is hereby authorized in such amount as may be necessary, with the approval of Congress, from the "Chippewa in Minnesota Fund, Incompetent Indians" for expenditure in the discretion of the Secretary of the Interior for the relief of distress of such incompetent Indians as may be in need thereof.

SEC. 7. Except as to section 1 hereof this act shall not become effective until two-thirds of the properly enrolled male Chippewa Indians of Minnesota over 18 years of age shall have agreed thereto in writing and until a proclamation of the President to that effect. The commission is authorized to present and explain this act to the Indians for the purpose of obtaining their approval and to submit a report therefor to the Secretary of the Interior.

SEC. 8. The Secretary of the Interior is hereby authorized to make all needful rules and regulations for carrying into effect the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the classification of the Chippewa Indians in Minnesota, and for other purposes."

BILLS PASSED OVER

The bill (S. 1924) for the relief of the Uintah and White River Tribes of Ute Indians of Utah was announced as next in order.

Mr. McNARY. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3363) authorizing and directing the Secretary of the Interior to examine a certain Senate report on Indian traders and to take certain action in respect thereto, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, the Secretary of the Interior reports adversely on this bill, and it seems to me that he gives very good reasons why it should not be passed. There is no explanation by the committee why they recommend the passage of the bill notwithstanding the adverse report of the Secretary of the Interior. Therefore I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SENECA NATION OF INDIANS OF NEW YORK

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3728) to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations, which had been reported from the Committee on Indian Affairs with an amendment on page 2, after line 6, to insert the following proviso:

Provided, That this act shall be inapplicable to lands formerly in the Oil Spring Reservation and heretofore acquired by the State of New York by condemnation proceedings.

So as to make the bill read:

Be it enacted, etc., That on and after the effective date of this act the laws of the State of New York (including laws hereinafter enacted) relating to the taking of game and fish shall be applicable to the taking of game and fish within the Allegany, Cattaraugus, and Oil Spring Indian Reservations in the State of New York; except that—

(1) Any such law which discriminates against the Indians and in favor of any other person shall not be applicable; and

(2) The Seneca Nation of Indians shall have the exclusive right to authorize, and to issue permits and licenses for, the taking of game and fish within such reservations.

(3) *Provided*, That this act shall be inapplicable to lands formerly in the Oil Spring Reservation and heretofore acquired by the State of New York by condemnation proceedings.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS FOR DAMAGES FROM ARMY OPERATIONS

The bill (H. R. 9035) for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF INDIAN TRIBES IN THE STATE OF WASHINGTON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3185) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims, which had been reported from the Committee on Indian Affairs with an amendment, in section 4, page 6, line 13, after the word "recovery," to insert "by any of said tribes or bands," so as to make the bill read:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims of the Okanogan, Methow, San Poelis (or San Poll), Nespelem, Colville, and Lake Indian Tribes or Bands of the State of Washington, or any of said tribes or bands, against the United States arising under or growing out of the original Indian title, claim, or rights of the said Indian tribes and bands, or any of said tribes or bands (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances in the State of Washington embraced within the following general descriptions, to wit: Commencing at the intersection of the west bank of the Okanogan River with the international boundary line, between the Province of British Columbia, Canada, and the State of Washington, thence west along said line to its intersection with the summit of the main ridge of the Cascade Mountains; thence in a southerly direction along the summit of said main ridge of the Cascade Mountains to a point where the northern tributaries of Lake Chelan and the southern tributaries of the Methow River have their rise; thence southeasterly on the divide between the waters of Lake Chelan and the Methow River to the Columbia River; thence, crossing the Columbia River in a true-line course east, to a point whose longitude is 119 degrees and 10 minutes; thence in a true south course to the Government survey township line between townships 24 and 25 north; thence east along said township line to Hawk Creek, in Lincoln County, Wash.; thence down said Hawk Creek to its intersection with the Columbia River; thence westwardly along the south bank of the Columbia River to a point opposite the mouth of the Okanogan River; thence north across the Columbia River and up the west bank of the Okanogan River to the place of beginning; also, commencing on the north bank of the Spokane River at its junction with the Columbia River, thence in a northeasterly direction along the summit of the ridge separating the drainage basin of the Spokane River from that of the Columbia River and its tributary, the Colville River, to the main ridge of the Callispell Mountains; thence in a northerly direction along the summit of the main ridge of said Callispell Mountains, extended, to the international boundary line between said Province of British Columbia, Canada, and the State of Washington; thence west along said line to the east bank of the Columbia River; thence in a general southerly direction along said east bank of the Columbia River to the said mouth of the Spokane River; also, commencing at a point on the west bank of the Columbia River opposite the mouth of the Spokane River; thence in a general northerly direction to and along the summit of the main ridge dividing the waters of the San Poll River from those of the Columbia and Kettle Rivers, and along the summit of said ridge extended northerly to the said international boundary line between the Province of British Columbia and the State of Washington; thence west along said international boundary line to the summit of the main ridge separating the waters of the Okanogan River from those of the upper Kettle River; thence in a general southerly direction to and along the summit of the divide between the waters of said Okanogan River and those of Nespelem Creek to the north bank of the Columbia River; thence in a general easterly direction along the north bank of the Columbia River to a point opposite the mouth of the Spokane River, the place of beginning; which said lands or rights therein or thereto are claimed to have been taken away from said Indian tribes and bands, or some of them, by the United States, recovery therefor in no event to exceed

\$1.25 per acre; together with all other claims of said tribes or bands of Indians, or any of said tribes or bands, arising under or growing out of fishing rights and privileges held and enjoyed by said tribes and bands, or any of them, in the waters of the Columbia River and its tributaries; or arising or growing out of hunting rights and privileges held and enjoyed by said tribes and bands, or any of them, in common with other Indians in the "common hunting grounds" east of the Rocky Mountains as reserved by and described in the treaty with Blackfoot Indians, October 17, 1855 (11 Stat. L. pp. 657 to 662), and which are claimed to have been taken away from said tribes and bands, or any of them, by the United States without any treaty or agreement with such Indian claimants therefor and without compensation to them.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the said Okanogan, Methow, San Poells (or San Poil), Nespelem, Colville, and Lake Indian Tribes or Bands of Washington, or any of said tribes or bands, party or parties, plaintiff, and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees selected by said Indians as provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudge any claims which the United States may have against the said Indian tribes and bands, or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for said Indian tribes and bands, or any of them.

SEC. 4. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes or bands, and in no event to exceed the sum of \$25,000 for any one of said tribes or bands of Indians, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the decree, and shall be paid out of any sum or sums adjudged to be due said tribes or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MORTENSEN

The bill (S. 1113) for the relief of William Mortesen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$20,000" and insert "\$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Mortesen, the sum of \$1,000 for assistance rendered to the United States Government in land cases in Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN COMMERCE SERVICE

Mr. WILLIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business 719, being House bill 3858, to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes.

Mr. McNARY and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized. The Chair was inquiring of the Clerk whether the end of the calendar had been reached.

Mr. WILLIS. I will state briefly my request.

This is a House bill, and its enactment is very much desired by the Commerce Department. The Committee on Commerce has considered the bill fully. I think it will take only a minute to pass it; and I therefore ask unanimous consent to proceed to the consideration of Order of Business 719.

The PRESIDING OFFICER. Is there objection?

Mr. TRAMMELL. I should like to have the bill read.

Mr. McNARY and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. McNARY. Mr. President, I assumed that we would conform to the unanimous-consent agreement, that after we had concluded the bills on the calendar we would start with the first number and go to the point where we started this evening.

The PRESIDING OFFICER. If objection is made, the unanimous-consent agreement must be carried out.

Mr. McNARY. I have no objection to the Senator's bill. It would please me greatly to accommodate him, but I think we should conform to the agreement that was made a few days ago.

The PRESIDING OFFICER. Objection is made.

Mr. WILLIS. I withdraw the request if Senators object.

RELIEF OF PERSONS IN MILITARY AND NAVAL SERVICES FROM CLAIMS FOR OVERPAYMENT

Mr. MEANS. Mr. President, I ask that we return to Order of Business 924, House bill 4001, to relieve persons in the military and naval services of the United States during the war emergency period from claims for overpayment at that time not involving fraud. That is a bill that was reached earlier this evening, and an objection was raised to it at the time. This is not a request to go back to an earlier bill, and therefore would come under the agreement.

I ask that Order of Business 924, House bill 4001, be re-referred to the Committee on Military Affairs, with the request that they communicate with the Comptroller General in order that we may have his opinion upon the bill. I think that is quite necessary and desirable, and I do not believe the bill can pass until we do hear from the Comptroller General.

The PRESIDING OFFICER. Is there objection?

SEVERAL SENATORS. Regular order!

Mr. WADSWORTH. I object to the request that the bill be referred back to the Committee on Military Affairs with instructions to that committee to ask for a report from the Comptroller General.

The PRESIDING OFFICER. Objection is made, and the regular order is demanded. The Secretary will state the first bill on the calendar.

OIL AND GAS MINING LEASES

Mr. BRATTON obtained the floor.

Mr. CAMERON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. BRATTON. I yield to the Senator.

Mr. CAMERON. I should like to call up Senate bill 4152, Order of Business 770, to authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations, and for other purposes.

Mr. WILLIS. Regular order!

The PRESIDING OFFICER. The regular order is demanded. The Secretary will state the first bill on the calendar.

INDIAN TRADERS

Mr. BRATTON. Mr. President, my attention was attracted elsewhere at the time Order of Business No. 999, Senate bill 3363, was reached.

Mr. McNARY. Mr. President, has that bill been passed over to-night?

Mr. BRATTON. Objection was made to its consideration, but my attention was attracted elsewhere at the time.

Mr. McNARY. Very well. It is among the calendar numbers that were considered to-night?

Mr. BRATTON. Yes; just a moment ago.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (S. 3363) authorizing and directing the Secretary of the Interior to examine a certain Senate report on Indian traders and to take certain action in respect thereto, and for other purposes.

The PRESIDING OFFICER. Is there objection to returning to the bill?

Mr. JONES of Washington. Mr. President, that is a bill to which I objected. The Secretary reports adversely on the bill. There is nothing in the report showing why the committee did not concur in his recommendation.

Mr. BRATTON. I rose for the purpose of attempting to explain the action of the committee, if I may have unanimous consent.

The PRESIDING OFFICER. Is there objection to returning to Order of Business 999, passed over at the request of the Senator from Washington?

Mr. JONES of Washington. Giving consent to return to it would not prevent objecting to its consideration, as I understand.

The PRESIDING OFFICER. Without objection, the Secretary will read the bill.

The Secretary read the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is authorized and directed to pay to Blanche E. Little, individually and as assignee of Alice T. Johnson and Andrew W. Little, out of any money in the Treasury not otherwise appropriated, the sum of \$8,133, being the amount of the losses sustained by her husband, William R. Little, now deceased, as Indian trader at the Sac and Fox Agency, Okla. (through no fault of his own), as appears from the report of the Select Committee on Indian Traders of the United States Senate, submitted March 2, 1889.

Mr. BRATTON. Mr. President, the facts supporting this bill are briefly these:

William R. Little was an Indian trader upon this reservation. His license as such was about to expire. Two brothers—one living in Texas and one in Tennessee, as I now recall—came to the reservation, and represented that they had a license, and made arrangements with Little to represent them, letting his license expire with the expectation of representing the new licensee.

Soon thereafter a man from Iowa appeared on the same reservation with a license, and made arrangements with another trader, the competitor of Little, to represent him. Little came to Washington to investigate the matter, and during his negotiations with the Commissioner of Indian Affairs here he was asked whether or not this Iowa man was on the reservation and engaged as a trader there. He replied that the Iowa man was not there, not so engaged.

The Commissioner of Indian Affairs had certain letters written by the Iowa man and mailed at this agency, and he concluded that Little was deceiving him and telling him an untruth. As the result of that, and to penalize Little, the commissioner forced him to leave the reservation, sell his buildings at a loss, and forego the collection of some \$15,000 due him by the Indians, and which they expected to pay when their money was received from the department. It later developed that the Iowa man was not on the reservation, and had not been there, and that Little told the truth, but was penalized by the commissioner because the commissioner erroneously believed that Little was deceiving him.

A committee was appointed in 1889, called the Select Committee on Indian Traders, composed of Senators and Congressmen. They went on the reservation and made a personal investigation, and estimated that the loss was about \$15,000. A number of bills have been introduced for the purpose of reimbursing these people in part for their loss. Little is dead. His two children are of age now. They have assigned their interest in the claim to the claimant here, their mother; and the bill as amended fixes the loss at \$8,133, compensating them in part for the loss sustained by Little because the Indian commissioner penalized him for actually telling the truth.

It is a moral obligation. There is no legal liability, but it rests upon a moral rather than any legal obligation.

Mr. JONES of Washington. Mr. President, I am inclined to think that this bill had better go over until I can look into it.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. WILLIS. I call for the regular order.

The PRESIDING OFFICER. The Secretary will state the first bill on the calendar.

BILL PASSED OVER

The first business on the calendar was the bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes.

The PRESIDING OFFICER. The Chair understands that the junior Senator from Utah [Mr. KING] has asked that this bill be passed over, and it will be passed over.

HOME CARE FOR DEPENDENT CHILDREN

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. CAPPER. Mr. President, the Senate having already passed House bill 7669, which is identically the same, I move that Senate bill 1929 be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

The motion to postpone indefinitely was agreed to.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, the Senator from Utah [Mr. KING] has asked me to request that that bill go over.

Mr. BLEASE. I move to postpone the bill indefinitely.

Mr. NORBECK. To postpone what indefinitely? [Laughter.]

Mr. FERNALD. I call for the regular order.

The PRESIDING OFFICER. On the request of the Senator from Washington, the bill will be passed over. The motion to postpone indefinitely is not in order.

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. FESS. Mr. President, an amendment is to be offered to that joint resolution by the Senator from Pennsylvania [Mr. REED]. He is not present, and I ask that it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

AMENDMENT OF PITTMAN ACT

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. COUZENS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PITTMAN. Notwithstanding the objection, I move that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

Mr. PITTMAN. On that I demand the yeas and nays.

Mr. COUZENS. Mr. President, that is not in accordance with the unanimous-consent agreement.

Mr. ASHURST. Yes; it is. It is directly in accordance with it.

The PRESIDING OFFICER. The Chair will hold that the motion is in accordance with the agreement, and is in order. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll, and Mr. ASHURST voted in the affirmative.

Mr. COUZENS. I suggest the absence of a quorum.

Mr. PITTMAN. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. PITTMAN. There can be no interruption after the roll call starts.

The PRESIDING OFFICER. The point of order is well taken. The Secretary will resume the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. Not knowing how he would vote, in his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire (Mr. MOSES). I transfer that pair to my colleague, the senior Senator from Louisiana [Mr. RANDELL], and will vote. I vote "yea."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. Not knowing how he would vote on this question, I withhold my vote.

Mr. HARRISON (when Mr. STEPHENS's name was called). My colleague is necessarily absent. If present, he would vote "yea."

Mr. WARREN (when his name was called). Has the junior Senator from North Carolina [Mr. OVERMAN] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. WARREN. I am paired with the junior Senator from North Carolina. I transfer my pair to the junior Senator from West Virginia [Mr. Goff] and vote "yea."

The roll call was concluded.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I transfer my pair to the junior Senator from Georgia [Mr. GEORGE], and vote "yea."

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Massachusetts [Mr. GILLET] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Kansas [Mr. CURTIS] with the Senator from South Carolina [Mr. SMITH];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS].

Mr. ROBINSON of Arkansas. The junior Senator from Arkansas [Mr. CARAWAY] is absent because of illness. If he were present, he would vote "yea."

The result was announced—yeas 32, nays 9, as follows:

YEAS—32

Ashurst	Dill	Means	Robinson, Ind.
Bayard	Ferris	Neely	Sheppard
Blease	Hale	Norbeck	Shipstead
Bratton	Harrison	Oddie	Stanfield
Broussard	Heflin	Pepper	Trammell
Cameron	Jones, Wash.	Pine	Wadsworth
Capper	McNary	Pittman	Walsh
Copeland	Mayfield	Robinson, Ark.	Warren

NAYS—9

Bingham	Deneen	Howell	Sackett
Butler	Fess	Metcalf	Willis
Couzens			

NOT VOTING—55

Borah	Gerry	Lenroot	Shortridge
Bruce	Gillett	McKellar	Simmons
Caraway	Glass	McKinley	Smith
Cummins	Goff	McLean	Smoot
Curtis	Gooding	McMaster	Steck
Dale	Greene	Moses	Stephens
du Pont	Harreld	Norris	Swanson
Edge	Harris	Nye	Tyson
Edwards	Johnson	Overman	Underwood
Ernst	Jones, N. Mex.	Phipps	Watson
Fernald	Kendrick	Ransdell	Weller
Fletcher	Keyes	Reed, Mo.	Wheeler
Frazier	King	Reed, Pa.	Williams
George	La Follette	Schall	

The PRESIDING OFFICER. Only 41 Senators having voted, a quorum is not present. The clerk will call the roll to disclose the presence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	McNary	Sackett
Bayard	Dill	Mayfield	Sheppard
Bingham	Fernald	Means	Shipstead
Blease	Ferris	Neely	Stanfield
Bratton	Fess	Norbeck	Trammell
Broussard	Hale	Oddie	Wadsworth
Butler	Harrison	Pepper	Walsh
Cameron	Heflin	Pine	Warren
Capper	Howell	Pittman	Willis
Copeland	Jones, Wash.	Robinson, Ark.	
Couzens	La Follette	Robinson, Ind.	

The PRESIDING OFFICER. Only 42 Senators having answered to their names, there is not a quorum present.

Mr. WILLIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 10 o'clock and 50 minutes p. m.) adjourned until to-morrow, Friday, June 4, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 3, 1926

POSTMASTERS

ALABAMA

Knox McEwen, Rockford.
Leonard F. Underwood, Shawmut.

CALIFORNIA

Lloyd E. Smith, Anderson.
Adeline M. Rogers, Centerville.

Edward D. Mahood, Corte Madera.
Robert G. Isaacs, Montague.
Cynthia P. Griffith, Wheatland.
Frank C. Pollard, Yreka.

CONNECTICUT

Francis W. Chaffee, jr., Eagleville.
Walfred C. Carlson, Washington Depot.

GEORGIA

Richard E. Lee, Concord.
John W. Berryhill, Lakeland.
Christine P. Hankinson, McDonough.
Sallie G. Purvis, Pembroke.
Bernie C. Chapman, Porterdale.

ILLINOIS

Helen N. Haugh, Atkinson.

KANSAS

Anna L. January, Osawatomie.

KENTUCKY

Chester Roach, Dundee.
John S. Marksbury, Williamstown.

LOUISIANA

Eula M. Jones, Trout.

MAINE

Lillian L. Guptill, Newcastle.

MASSACHUSETTS

Charles W. Hardie, Harwich Port.

MISSOURI

William P. Rowland, Bevier.
May Carpenter, Burlington Junction.

NEBRASKA

Marie A. Lybolt, Brunswick.
Herbert M. Hanson, Clay Center.
Maurice J. Meseraull, Doniphan.
Andrew E. Stanley, Loomis.
Bessie R. Adams, Palmer.

NEW HAMPSHIRE

Ervin W. Hodsdon, Center Ossipee.
Harriet A. Reynolds, Kingston.

NEW JERSEY

Charles H. Mingin, Mays Landing.

NEW YORK

Harry L. Carhart, Coeymans.
James E. McDonald, Cohoes.
John C. Sweeny, Hartsdale.
Everett S. Turner, Haverstraw.
Clarence M. Herrington, Johnsonville.
Dana J. Duggan, Niagara University.
Violet Breen, Roslyn Heights.

NORTH DAKOTA

Fred Fercho, Lehr.

OKLAHOMA

William C. Yates, Comanche.

PENNSYLVANIA

Charles E. Ehrhart, Dallastown.
Emma Zanders, Mauch Chunk.
John E. Showalter, Terre Hill.
William D. Ghrist, Uniontown.

SOUTH CAROLINA

Ralph W. Wall, Campobello.

SOUTH DAKOTA

Florence M. Jones, Chester.
Clarence J. Curtin, Emery.
James T. Leahy, Fedora.
Robert C. Gibson, Geddes.
Theresa R. Harrington, Montrose.
Charles P. Decker, Roscoe.
Paul F. W. Knappe, Tripp.

UTAH

Clark Allred, Delta.

WEST VIRGINIA

Ruford E. Gillespie, Man.
Charles J. Parsons, Sabraton.

WYOMING

Norman D. Sherman, Edgerton.
Ralph R. Long, Gillette.

HOUSE OF REPRESENTATIVES

THURSDAY, June 3, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly father of life and hope, abide with us this day. Spare us from the resentful and sharp passions of unguarded moments. Lead us calmly in the pathway of duty. Mercifully keep us from any act that would mar or reproach our stations in public or private life. Teach us, blessed Lord, the virtue of unrequited toil and the joy of service done in love, the rest of a heart that rejoices amidst the mere clamor and dust of things. May we be impressed with the strength of discipline and with the sacred stillness when the world is shut out. Our hearts sing, "God cares." When the lights die down from our path, when love and music leave us to silence, when shadows hang over us through long hours, when strength is feeble, when friends forsake, when the spirit feels the shame of wrong, O our hearts cry out, "God cares." Honor and glory to Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read.

During the reading of the Journal the following occurred:

Mr. CRAMTON. Mr. Speaker, I desire to make a point of order. I do not, of course, intend to apply any criticism to the Clerk because I know the ordinary custom in the House, but yesterday was an exceptional day, with a large amount of important business, and I make the point of order that the Journal should be read in full.

The SPEAKER. The Clerk will read the Journal.

Mr. CRAMTON. Mr. Speaker, I did not hear the names read of those voting yea and nay on the roll call.

The SPEAKER. The Clerk will read.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Journal be approved without further reading.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. CRAMTON. Mr. Speaker, I object.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. CRAMTON. I object, Mr. Speaker.

The SPEAKER. The question is on the approval of the Journal.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 157, noes none.

So the Journal was approved.

Mr. CRAMTON. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. The gentleman from Michigan objects to the vote on the ground that there is not a quorum present. The Chair will count. [After counting.] Two hundred and thirty Members are present, a quorum.

Mr. CRAMTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Michigan demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-nine gentlemen have risen, not a sufficient number.

Mr. CRAMTON. Mr. Speaker, I ask for a count by tellers.

The SPEAKER. The gentleman from Michigan asks for a count by tellers. As many as are in favor of taking this vote by tellers will rise and stand until counted.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry. Is a count by tellers permitted in this situation under the rules?

Mr. CRAMTON. Mr. Speaker, I asked for a count by tellers on the question of ordering the yeas and nays.

Mr. CHINDBLOM. Mr. Speaker, I submit that the count of the Chair is conclusive on that question.

The SPEAKER. In order that all Members may understand clearly, the Chair understood that the gentleman from Michigan demanded tellers on the question of ordering the yeas and nays. As many as are in favor of taking the vote by tellers will rise and stand until counted. [After counting.] Twenty-seven gentlemen have risen, not a sufficient number.

Mr. CRAMTON. Mr. Speaker, my request was for a teller count on the demand for the yeas and nays.

The SPEAKER. The Chair thinks that as to that it will be necessary to have the same number of Members rise as on the ordinary vote by tellers.

Mr. HOWARD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD. For the purpose of asking that the RECORD be corrected. I desire the RECORD corrected—

Mr. MAPES. Mr. Speaker, I make the point of order that the Journal having been approved it is too late to correct the Journal.

Mr. HOWARD. Mr. Speaker, I yield to the Speaker but not to Michigan.

The SPEAKER. The vote just-had discloses the fact that the Journal stands approved.

Mr. MAPES. Mr. Speaker, I make the point of order. I did not request the gentleman from Nebraska to yield to Michigan but simply to comply with the rules of the House. I make the point of order.

Mr. CHINDBLOM. Mr. Speaker, what is the point of order?

Mr. MAPES. Mr. Speaker, the gentleman from Michigan will not object, but under the rule it is too late to amend the Journal after it has been approved.

The SPEAKER. The Journal has been approved and the gentleman from Nebraska asks unanimous consent to correct the RECORD.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 10827. An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1059) for the relief of R. Clyde Bennett.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 3446. An act for the relief of Ulric O. Thynne;

H. R. 5507. An act for the relief of Agnes M. Harrison, post-mistress at Wheeler, Miss.; and

H. R. 11385. An act granting the consent of Congress to the Georgia-Florida Bridge Co. to construct a toll bridge across the Chattahoochee River at or near Neals Landing in Seminole County, Ga.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4251) to amend and supplement the naturalization laws, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 71) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and making provision for the same.

The message also announced that the Senate had passed a joint resolution (S. J. Res. 113) authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C.

The message also announced that the Vice President had appointed Mr. WADSWORTH a member of the conference committee on the part of the Senate on the bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, vice Mr. FERNALD, excused.

The message also announced that the Vice President had appointed Mr. WADSWORTH a member of the conference committee on the part of the Senate on the bill (H. R. 9966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, vice Mr. FERNALD, excused.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8489. An act to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 8489. An act to relinquish the title of the United States to the land in the claim of Thomas Durnford, situate in the county of Baldwin, State of Alabama; and

H. R. 10312. An act to authorize the disposition of lands no longer needed for naval purposes.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

S. 1059. An act for the relief of R. Clyde Bennett.

SENATE JOINT RESOLUTION REFERRED

Senate joint resolution was taken from the Speaker's table and referred to its appropriate committee indicated below:

Senate joint resolution (S. J. Res. 113) authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C.; to the Committee on the Library.

INDEBTEDNESS OF THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES

Mr. GREEN of Iowa, chairman of the Ways and Means Committee, by direction of that committee presented a privileged report on the bill (H. R. 11948) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes, which was read a first and second time, and, with the accompanying papers, referred to the Union Calendar and ordered printed.

DEPORTATION OF CERTAIN ALIENS

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may have two legislative days in which to file minority views on the bill (H. R. 12444) to provide for the deportation of certain aliens, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

LEGISLATION AFFECTING CIVIL WAR AND WORLD WAR VETERANS

Mr. BROWNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of legislation pending before the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWNE. Mr. Speaker, this session of Congress is drawing to a close. The next session of Congress, which is the short session, will take up very little legislation besides the necessary appropriation bills. It is therefore important that if we are to enact legislation that it must be enacted before the summer adjournment.

There are a number of bills which the public are very much interested in which have been thoroughly considered by committees and reported favorably by them, and which I believe an overwhelming majority of the Members of the House and Senate are in favor of. These bills seem to be sleeping the peaceful sleep of death, and apparently it is not the intention of the forces that are controlling legislation to allow these bills to be voted upon. The only way to get action is to refuse to adjourn until these important measures are brought up and the membership of the House given an opportunity to act upon them.

I wish to direct my remarks on this occasion to a few of these bills which, after being thoroughly considered, have been favorably reported out of the committees many weeks, and some of them months ago, and which I believe if brought to a vote would pass the House of Representatives and the Senate by overwhelming majorities.

INCREASE OF PENSIONS FOR CIVIL WAR VETERANS

I wish to take up first H. R. 4023, a bill increasing pensions to Civil War veterans, and known as the Elliott bill. The Elliott bill was thoroughly considered by the Pension Committee, and on April 9, 1926, reported favorably by a unanimous vote of that committee. The committee in reporting out this bill said, in substance, that it was the opinion of the committee that the soldiers of the Civil War and their widows should receive first consideration in the granting of pensions for the reason that they are now all old men and women and fast passing away, and for the further reason that originally they received only a very meager pension, and then only for wounds or disabilities incurred in the service and in line of duty; and widows' pensions were only granted where death of the veteran was due directly to his service. No service pensions were granted until 25 years after the close of the Civil War, and then only for disability and for \$6 to \$12 a month, while the widows were allowed only \$8 a month. The Elliott bill provides that every person who served 90 days or more in the

Army, Navy, or Marine Corps of the United States during the Civil War who has been honorably discharged by reason of disability incurred in the service or is now upon the pension roll as a Civil War veteran, and who is now in receipt of a pension of less than \$72 per month, shall be entitled to a pension at the rate of \$72 per month.

That the widow of any such soldier who having been married to such soldier prior to the 27th of June, 1915, shall be entitled to a pension at the rate of \$50 a month, and that Army nurses of the Civil War, whose names are now on the pension roll shall be paid a pension of \$50 a month.

VETERANS NEED INCREASE OF PENSION AND NEED IT NOW

At the close of the Civil War when the Army of the Potomac marched up Pennsylvania Avenue there was a large banner extending across the street upon which was inscribed these words: "There is one debt that this Government can never repay, it is the debt of gratitude that it owes its citizen soldiers." The sentiment expressed upon this banner was the sentiment of the American people. It is now over 60 years since the termination of the war. Every soldier who participated in that struggle, upon which the very life of the Nation depended, is an old man with only a few more years to live; the average age of the Civil War veterans living is over 80, and their widows over 75 years. A very large number of those who served in the Civil War are unable to support themselves upon their present income. The pension proposed in this bill will not purchase as much as the pension received by these same veterans 10 years ago. I believe that every soldier who enlisted made a sufficient sacrifice to entitle him to a decent and comfortable support during his declining years. When these veterans enlisted at their country's call the property owners of the country made a solemn pledge that the soldiers, their widows and orphans, should be the chosen wards of this Government, and should be protected against want. I do not believe that the rank and file of the American people have forgotten that pledge even if those in high official position apparently have done so.

This legislation, if passed, will probably be the last expression of Congress in trying to discharge the debt of gratitude which the people of this Nation owe to the aged veterans of the Civil War.

I voted for and supported in every way I could the bill that provided for an increase in the pension of Civil War veterans which passed Congress at its last session and regretted exceedingly that the President of the United States vetoed the action of Congress. This veto, however, does not justify the Congress to-day from bringing out this bill on the floor and allowing a vote to be taken upon it. The Republican Party in the past has prided itself on its generosity toward the soldiers. The Republican Party has a large working majority in both the House and the Senate. It can not, therefore, shirk its responsibility and excuse itself on the ground that the Treasury of the United States will not stand an appropriation of this kind, when it is appropriating over \$500,000,000 for the support of the Army and Navy and under a retroactive law passed by this Congress is handing back in the way of inheritance taxes \$85,000,000 which had already been collected from the heirs who inherited it from estates valued at over a million dollars and who did not earn a dollar of the property inherited.

WORLD WAR VETERANS

While I am on the subject regarding our duties toward veterans I also wish to call the attention of Congress to three bills affecting the World War veterans that have been passed out of the committees unanimously, but are being held back by the same power which is strangling the Civil War veterans' bill.

First. The Johnson bill, upon which hearings were held from January 6 until January 29, when a subcommittee rewrote and drafted a bill which all of the committee agreed upon, which bill was known as H. R. 10240, formerly H. R. 4474. This bill has been waiting for nine weeks for the House to take action, yet no action is being taken. This bill was indorsed by the American Legion, the Disabled American Veterans' Association, and the Veterans of Foreign Wars. It liberalizes the present compensation law in several much-needed particulars and increases the benefits to those suffering from tuberculosis and other diseases. It also authorizes the Director of the Veterans' Bureau to complete the education of those now taking vocational training and grants a three-year extension for conversion term insurance.

Second. The Fitzgerald bill was introduced December 9, 1925, by Representative ROY G. FITZGERALD of Ohio, World War veteran, H. R. 4548, to provide retirement for the disabled emergency

Army officers. This bill had the indorsement of the national executive committee of the American Legion and many other veteran organizations. This bill has been held back by the same powers that have held back the other bills, and which may be likened to the power behind the throne, which is greater than the throne itself.

Third, The Mills bill to amend the adjusted compensation act was rewritten twice, and introduced January 7, 1926, by Representative MILLS, an overseas veteran. Hearings were held before the Ways and Means Committee of the House and reported out by Chairman GREEN before the House under the number H. R. 10277. The committee was unanimous, yet, on the 15th of March, when Chairman GREEN attempted to suspend the rules and pass the bill, he was unable to get recognition from the Speaker for that purpose, and this bill was quietly laid by over eight weeks ago. This bill aimed to equalize the benefits of dependents of the veterans and prevents the disallowance of claims through mere technicalities. The American Legion says of this bill:

It will bring needed relief to the dependent mothers of our dead, killed in action in France.

THE RETIREMENT BILL FOR GOVERNMENT EMPLOYEES

A statement from the press is as follows:

Retirement plan offered by General Lord. Coolidge studies compromise scheme and is expected to approve it.

Further on the article states:

It was said at the White House yesterday that the President intends to devote some part of to-day studying the plan.

It will be remembered that it took the joint committee of the Senate and the House four months with the assistance of the ablest actuaries in the country to study the retirement question. Yet, the President, with the assistance of General Lord, devote part of a day to the study of it, and Congress is asked to substitute the legislation proposed by the President instead of that carefully worked out by the joint committee of the House and Senate, and unanimously agreed upon by them, and passed by the Senate by an overwhelming majority.

AGRICULTURAL RELIEF

On the question of whether Congress is legislating or is simply going through the motions and acting as a debating society, take, for an example, the farm relief bills.

In the Daily Press of May 8, 1926, we have the double-headed headlines:

Confers with President on farm relief bills—Representative VESTAL seeks definite expression of attitude of administration—Representative VESTAL, of Indiana, Republican whip of the House, called on President Coolidge on May 7 to discuss, he said, the various farm relief bills now being considered in the House—It was Mr. VESTAL's purpose to get a definite idea of the administration's attitude with a possible view of instructing the Republican organization as to the President's wishes.

The question arises whether the framers of the Constitution when they created the legislative branch of the Government and vested it with the important powers of legislating, that before any legislation was voted upon the floor leader of the majority party, or the whip, should run up to the White House and ask the Executive what kind of legislation the Congress of the United States should pass.

Every schoolboy is taught that we have three branches of government, and that each branch of government is distinct and independent in the functions that it has to perform, and that one branch should not be influenced by the other, and also that the legislative branch of the Government, which was contemplated first by the fathers who drafted the Constitution, is first in importance.

Mr. Speaker, I believe that a majority of the Members of both the House and the Senate are in favor of all of this legislation; yet the membership of the American Congress, which by long years of independent, courageous action has established the reputation throughout the world of being the greatest legislative body, is not given the opportunity to vote on legislation that all political parties favor and which is unanimously reported by its committees.

WHO IS PREVENTING CONGRESS FROM CONSIDERING THESE BILLS?

The floor leader of the House, the affable Member of Congress from Connecticut, confers with the steering committee, a small body of Republicans, and then confers with the President of the United States, and then announces what legislation shall come before Congress and what legislation shall not come before Congress.

Our floor leader, Representative TILSON, of Connecticut, is very frank with Congress upon what Congress shall be allowed to do or not do. He stated to the public through the Washington papers, April 17, 1926, in regard to the retirement bill, which affected 188,000 faithful Government employees, as follows:

POSSIBILITY FOR ACTION IS LOST

There is no possibility of any legislation liberalizing retirement for Federal employees in this session of Congress, Representative JOHN Q. TILSON, leader of the House stated to-day after a conference with President Coolidge at the White House.

Both the Senate and the House of Representatives had worked faithfully for four months upon the retirement bill, and in joint sessions had unanimously agreed on a retirement bill, and had reported the same out to their respective Houses. The Senate has already passed the retirement bill, but our floor leader consults with the President, and the House of Representatives is not given the right to even vote upon the bill, which the committee unanimously reported to the House, but in its place a bill which provides that the employees pay more and the Government pays less than under the present law is substituted. In other words, when the Government employees ask for bread, they are given a stone. It is very doubtful whether even this compromise becomes a law.

IS CONGRESS REALLY LEGISLATING?

The question therefore arises whether the House of Representatives is really legislating or whether it is simply going through the motions and forms of legislating, and is a mere debating society like many of the so-called legislative bodies in Europe. I referred to this same matter in a speech that I made on the retirement bill on the 22d day of April, 1926, in which I stated as follows:

I object to the President vetoing legislation before it gets to him. [Applause.] When any department of Government dictates what bills shall be considered by Congress and what bills shall not, that department of Government is encroaching on the legislative branch of the Government, and I for one resent it.

There is an effort from certain interests in the United States to undermine and belittle the American Congress and make it absolutely subservient to the dictates of the Executive. The present Congress has been enlogized and lauded by those people who condemned the Sixty-eighth Congress because it would not take its orders from them.

The Members of this Congress are responsible to the people for legislation, and not the President of the United States. If this Congress believes in letting the President legislate for it, then what is the use of taking up the time and holding committee meetings for the consideration of bills which will never be voted upon by Congress? [Applause.] (CONGRESSIONAL RECORD, April 22, 1926, pp. 7995-7995.)

Mr. Speaker, I appeal to the membership of the House of Representatives to assert their independence and pass the bill increasing the pensions of our Civil War veterans, the bills clarifying the adjusted compensation act, and preventing the disallowance of claims on technicalities, and the other legislation I have mentioned beneficial to the World War veterans and their dependents. Also, to pass the retirement bill, which has already passed the Senate, and last, but not least, pass a farm relief bill. I voted for the Haugen bill in 1924 and other farm relief measures, such as the Dickinson bill in the last Congress, and I voted for the Haugen bill which was defeated a few days ago and which had the support of a large majority of the Members of Congress from every agricultural State in the Union and the indorsement of all of the farm organizations, but met its defeat because the Republican steering committee of the House of Representatives were against it, notwithstanding all political platforms have promised relief to the farmer.

I am opposed to any adjournment of Congress until the bill increasing the pension for Civil War veterans is passed and becomes a law; also the bills I have mentioned affecting the World War veterans, and until some legislation has been passed which will give substantial relief to agriculture and also retirement legislation for Government employees.

SCREEN-WAGON CONTRACTS

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, insist upon the House amendments disagreed to by the Senate, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees on the part of the House: Messrs. SPROUL of Illinois, FOSS, and ROMJUE.

POSTAGE RATES ON HOTEL-ROOM KEYS AND TAGS

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 92) fixing postage rates on hotel-room keys and tags, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees on the part of the House: Messrs. GRIEST, KELLY, and BELL.

Mr. SOSNOWSKI. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. SOSNOWSKI. Mr. Speaker, I request that the Clerk read the third paragraph of an editorial of the Chicago Tribune which refers to my speech in the House, and then I would like to make my answer in reply to the same.

The SPEAKER. The Clerk will read the paragraph upon which the gentleman founds his question of privilege.

The Clerk read as follows:

WHY THEY FIGHT THE WATERWAY

The speeches in the House in opposition to the appropriation for the Illinois waterway are illuminating. The Michigan and Ohio Representatives make it clear that they have been using the lowering of the lake levels as the merest pretext for opposition. They know that the diversion of water from Lake Michigan has had only a slight influence upon lake levels. They are concerned chiefly to prevent the Gulf waterway from coming into existence. The opposition centers in Detroit and Cleveland. These cities, like many other cities on the Lakes, would benefit from the Lakes to the Gulf waterway. It would lower their freight rates to the growing markets of the South. Detroit and Cleveland are forgetting their own advantage in their jealousy of Chicago. They conclude that anything which would benefit Chicago could not possibly advantage them, too. "It is like the Chicago gunman who is let out on parole and who hurries to gather as much ill-gotten gain as he can before the mills of justice grind out retribution upon him," says the embattled foreigner who represents Detroit. That is not the voice of a man arguing the merits of a proposed appropriation. The words are inspired by envy and malice. They can not be answered with reason, because there is no reason in them.

Mr. MADDEN. Mr. Speaker, I make the point of order that the article does not present a question of personal privilege. It is not attacking anybody, and I maintain there is no question of personal privilege involved in the article.

Mr. SOSNOWSKI. Mr. Speaker, I maintain it challenges my record as a loyal and patriotic citizen, and refers to my acts being inspired by envy and malice.

The SPEAKER. The only question for the Chair to determine—

Mr. MADDEN. It does not mention the gentleman's name at all.

The SPEAKER. The only question for the Chair to determine is whether any portion of this article reflects upon the gentleman from Michigan in his representative capacity. The sentence upon which the gentleman lays stress is this—

"It is like the Chicago gunman who is let out on parole and who hurries to gather as much ill-gotten gain as he can before the mills of justice grind out retribution upon him," says the embattled foreigner who represents Detroit. That is not the voice of a man arguing the merits of a proposed appropriation. The words are inspired by envy and malice. They can not be answered with reason because there is no reason in them.

Mr. MADDEN. Who is the embattled orator?

The SPEAKER. The article states "the embattled foreigner who represents Detroit." The Chair thinks—

Mr. MADDEN. Will the Speaker hear me a moment?

The SPEAKER. Yes.

Mr. MADDEN. The rules of the House provide that—

Charges made in newspapers against Members in their representative capacities involve privilege, even though the names of individual Members be not given. But vague charges in newspaper articles, criticisms, or even misrepresentations of the Members' speeches or acts have not been entertained.

The SPEAKER. The Chair is quite clear in his mind, however, that an imputation that the action of a Member of the House is dictated by envy and malice clearly raises a question of personal privilege. The Chair thinks the gentleman from Michigan has founded a question of personal privilege.

Mr. SOSNOWSKI. Mr. Speaker, I now desire to proceed with my statement.

I desire to read into the Record and make a part of my remarks an article from the Chicago Tribune of Saturday, the 29th of May, 1926. No one has yet questioned my loyalty or patriotism or veracity in anything I have done. I was born and raised in this country 43 years ago next December. At every call of the Government I have given of my services. I served six years in the Seventh United States Cavalry in the United States, in Cuba, and during the Philippine insurrection. [Applause.] I then joined the National Guard, in 1909, and served with the National Guard, and afterwards with the Federalized United States Militia on the Mexican border. When the World War broke out I tendered my services to my country again and was told by The Adjutant General of the United States Army that, owing to my disability which I contracted in the Philippine Islands, I was disabled for further service. However, I was designated as Federal appeal agent in the selective service, which position I held from 1917 until the end of the war. [Applause.]

Mr. Speaker, I desire to read into the Record and make a part of my remarks an article from the Chicago Tribune of Saturday, the 29th of May:

WHY THEY FIGHT THE WATERWAY

The speeches in the House in opposition to the appropriation for the Illinois waterway are illuminating. The Michigan and Ohio Representatives make it clear that they have been using the lowering of the lake levels as the merest pretext for opposition. They know that the diversion of water from Lake Michigan has had only a slight influence upon lake levels. They are concerned chiefly to prevent the Gulf waterway from coming into existence.

The opposition centers in Detroit and Cleveland. These cities, like many other cities on the Lakes, would benefit from the Lakes to the Gulf waterway. It would lower their freight rates to the growing markets of the South. Detroit and Cleveland are forgetting their own advantage in their jealousy of Chicago. They conclude that anything which would benefit Chicago could not possibly advantage them too.

"It is like the Chicago gunman who is let out on parole and who hurries to gather as much ill-gotten gain as he can before the mills of justice grind out retribution upon him," says the embattled foreigner who represents Detroit. That is not the voice of a man arguing the merits of a proposed appropriation. The words are inspired by envy and malice. They can not be answered with reason because there is no reason in them.

In contrast, it is encouraging to note that Chairman WALLACE DEMPSEY, of the Rivers and Harbors Committee, has been won over to support the Gulf waterway. He has found that it "is just as important to the Great Lakes as to any other section, and will not be a detriment in any respect." He asks whether the water of the Lakes is to be allowed to go to waste when coal is costing \$1.20 a ton more in the Northwest than it would if the Gulf waterway were in evidence.

Mr. DEMPSEY's speech indicates a willingness in other sections to further the ambitions of the Mississippi Valley. Mr. DEMPSEY is from Buffalo. He is the chief advocate of the so-called all-American waterway from the Lakes to the sea by way of the Hudson River. If Mr. DEMPSEY can get our Mississippi Valley waterway for us, the valley Representatives can afford to do all in their power for his route.

I read this for two purposes, and this I do without feeling or passion. First, to give an idea of the trading level to which this paper's conception of legislation is gauged, and second, to set the record straight in their reference to the humble Representative from Detroit therein referred to.

[At this point Mr. Sosnowski used the language which was objected to and later stricken from the Record.]

Mr. KUNZ. Mr. Speaker, I make the point of order that the gentleman is not talking to the question of personal privilege; he is making an argument on the waterway.

The SPEAKER. The gentleman will confine himself to his question of personal privilege.

Mr. DEMPSEY. Mr. Speaker, I make the point of order that the gentleman from Michigan is not confining himself to the question of privilege. He is not confining himself to the order laid down by the Speaker. He has not spoken one word on the question of privilege. So far he has not said one word about his question of personal privilege, but has talked entirely on the merits of the Illinois River project as embodied in the bill.

The SPEAKER. It has been impossible for the Chair to hear the gentleman from Michigan on account of confusion. The Chair understood he was reading from the editorial.

Mr. SOSNOWSKI. I want to show that there is no malice or envy in my position.

Mr. DEMPSEY. The gentleman is making a more serious charge against the membership of the House than is made in the editorial of the paper of which he complains. His whole

speech so far is a diatribe against the Members of the House in their official capacity, and he has not said a word in justification of himself or his reputation, which he claims is attacked in the article to which he calls attention.

Mr. SOSNOWSKI. If the gentleman will permit me to proceed without interrupting—

The SPEAKER. So far as the gentleman from Michigan confines himself to a defense of the charge that his actions have been dictated by envy and malice, the Chair thinks he is within his rights.

Mr. DEMPSEY. The gentleman has not said a word on that question; not a single sentence. He has made a general attack on the Illinois project and devoted his remarks to that attack.

Mr. KINDRED. Mr. Speaker, the gentleman is making a personal attack and questioning the motives of the chairman of the Rivers and Harbors Committee, which he has no right to do.

The SPEAKER. The Chair was unable to hear what the gentleman was saying on account of confusion in the House, and it is impossible for the Chair to rule.

Mr. SCHAFER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. The distinguished American citizen is defending the slanderous remarks made on his character, and I believe that we ought to have a quorum to listen to his defense. Therefore I raise the point that no quorum is present, and manifestly there is no quorum present.

The SPEAKER. The Chair will count.

Mr. MADDEN. Mr. Speaker, the gentleman from Michigan has been reading from a written statement, and I would like to have the Speaker read what the gentleman has been saying. There is no justification for his statement and I demand that his words be taken down and stricken from the RECORD.

Mr. DEMPSEY. I ask that the manuscript from which the gentleman has been reading may be handed to the Chair so that the Speaker can see what the gentleman has been saying and that he has made unworthy charges against the fellow Members without justification.

Mr. LA GUARDIA. Mr. Speaker, I make the point of order that the point of order of the gentleman from Illinois comes too late.

The SPEAKER. The gentleman from Illinois demands that the words be taken down.

Mr. MADDEN. I assert that there is not a word of truth in the statement of the gentleman from Michigan.

Mr. RANKIN. Mr. Speaker, the rule is that when a demand that the words be taken down is made, the Member occupying the floor must take his seat.

Mr. FREAR. Mr. Speaker, this is not taken out of the time of the gentleman from Michigan?

The SPEAKER. The Clerk will report the words demanded to be taken down by the gentleman from Illinois.

The Clerk read the matter referred to.

Mr. MADDEN. Mr. Speaker, I move that those words be stricken from the RECORD.

The SPEAKER. The gentleman from Illinois moves that the paragraph just read be stricken from the RECORD.

Mr. LA GUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LA GUARDIA. Mr. Speaker, before the gentleman from Illinois can move to have the language stricken from the RECORD is it not necessary for the Speaker to rule first that the language is out of order?

The SPEAKER. The Chair thinks this motion is not debatable. The question is on the motion of the gentleman from Illinois to strike the words complained of from the RECORD.

Mr. SOSNOWSKI. Mr. Speaker, I do not see any objectionable language in these two paragraphs.

The SPEAKER. It is for the House to decide, and the motion is not debatable.

Mr. SOSNOWSKI. Mr. Speaker, I ask unanimous consent to take those words out of the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to withdraw the words objected to. Is there objection?

Mr. MADDEN. Mr. Speaker, I have no objection to that.

The SPEAKER. The Chair hears no objection.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. MADDEN. Mr. Speaker, I now ask that the gentleman proceed in order.

The SPEAKER. The gentleman from Michigan will proceed in order.

Mr. McDUFFIE. Mr. Speaker, I understood the gentleman from Wisconsin [Mr. SCHAFER] to object to the unanimous-consent request to take the words from the RECORD.

The SPEAKER. The Chair heard no objection to the request of the gentleman from Michigan that he be permitted to withdraw the words complained of.

Mr. SCHAFER. Mr. Speaker, I arose and said that I objected, and I naturally will object. I think if those words are going to be expunged from the RECORD the House should vote upon it and the yeas and nays should be called for on the vote.

The SPEAKER. Does the Chair understand that the gentleman from Wisconsin objected?

Mr. SCHAFER. Yes; I did.

The SPEAKER. The Chair did not hear the gentleman object.

Mr. TILSON. Mr. Speaker, I heard the gentleman from Wisconsin object, but it was long after the Speaker had announced that there was no objection.

The SPEAKER. If the gentleman from Wisconsin asserts that he intended to object and did object, although the Chair overlooked it the Chair will recognize him for that purpose. The gentleman from Wisconsin objects, and the question recurs on the motion of the gentleman from Illinois that the words complained of be stricken from the RECORD.

Mr. CRAMTON. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The gentleman from Michigan moves to lay the motion of the gentleman from Illinois on the table.

Mr. MADDEN. Mr. Speaker, upon that I demand the yeas and nays.

The SPEAKER. On that the gentleman from Illinois demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until counted. [After counting.] Evidently a sufficient number, and the yeas and nays are ordered.

Mr. MADDEN. Mr. Speaker, I withdraw the demand for the yeas and nays.

The SPEAKER. Is there objection to the withdrawal of the yeas and nays?

Mr. LA GUARDIA. Mr. Speaker, I object.

Mr. WOODRUFF. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The question is on the motion of the gentleman from Michigan to lay on the table the motion of the gentleman from Illinois that the words be expunged from the RECORD.

The question was taken; and there were—yeas 65, nays 261, answered "present" 2, and not voting 103, as follows:

[Roll No. 104]

YEAS—65

Bachmann	Evans	Kurtz	Schneider
Beck	Fitzgerald, Roy G.	Kvale	Scott
Begg	Fitzgerald, W. T.	Lampert	Shreve
Berger	Fletcher	Leavitt	Speaks
Brand, Ohio.	Frear	McLaughlin, Mich.	Stevenson
Browne	Fulmer	McLeod	Summers, Wash.
Burton	Hill, Md.	McSweeney	Thompson
Carpenter	Hooper	Mapes	Underwood
Carrs	Huddleston	Mead	Vincent, Mich.
Chalmers	Hudson	Michener	Voigt
Christopherson	Jacobstein	Mooney	Wefald
Clague	James	Moore, Ohio	Whitehead
Connery	Jenkins	Morehead	Williamson
Cooper, Wis.	Kearns	Morrow	Woodruff
Cramton	Keller	Murphy	
Crosser	Ketcham	Nelson, Wis.	
Drewry	Kliss	Schafer	

NAYS—261

Abernethy	Busby	Driver	Hardy
Ackerman	Butler	Dyer	Harrison
Adkins	Byrns	Edwards	Hastings
Allen	Canfield	Elliott	Hayden
Allgood	Cannon	Ellis	Hersey
Almon	Carew	Eslick	Hickey
Andresen	Carter, Calif.	Esterly	Hill, Wash.
Andrew	Carter, Okla.	Fairchild	Hoch
Anthony	Chapman	Faust	Hogg
Arentz	Chindblom	Feun	Holaday
Arnold	Cole	Fisher	Houston
Aswell	Collier	Fort	Howard
Auf der Heide	Collins	Foss	Hudspeth
Ayres	Colton	Free	Hull, Morton D.
Bacharach	Connally, Tex.	Freeman	Hull, William E.
Bailey	Connolly, Pa.	French	Irwin
Beedy	Cooper, Ohio	Frothingham	Jeffers
Bell	Coyle	Gambrell	Johnson, Ind.
Bixler	Crisp	Garrett, Tex.	Johnson, Tex.
Black, Tex.	Crowther	Gasque	Johnson, Wash.
Bland	Cullen	Gibson	Jones
Blanton	Curry	Gifford	Kahn
Boies	Davis	Gilbert	Kemp
Bowles	Deal	Glynn	Kerr
Bowman	Dempsey	Gorman	Kiefner
Box	Dickinson, Iowa	Green, Fla.	Kincheloe
Boylan	Dickinson, Mo.	Griest	Kindred
Brand, Ga.	Dickstein	Hadley	King
Briggs	Dominick	Hale	Knutson
Brigham	Doughton	Hall, Ind.	Kopp
Britten	Douglass	Hall, N. Dak.	Kunz
Browning	Dowell	Hammer	LaGuardia
Burdick	Doyle		Lanham

Lankford	Nelson, Mo.	Robison, Ky.	Timberlake
Larsen	Newton, Minn.	Rogers	Tincher
Lazaro	Newton, Mo.	Romjue	Tinkham
Lea, Calif.	Norton	Rowbottom	Tolley
Leatherwood	O'Connell, N. Y.	Rubey	Tydings
Letts	O'Connell, R. I.	Rutherford	Underhill
Lindsay	O'Connor, La.	Sabath	Updike
Little	Oldfield	Sanders, Tex.	Upshaw
Lozier	Oliver, Ala.	Sandlin	Vaile
Lyon	Oliver, N. Y.	Seger	Vestal
McClintic	Parker	Shallenberger	Vinson, Ga.
McDuffie	Parks	Simmons	Vinson, Ky.
McKeown	Patterson	Snell	Warren
McLaughlin, Nebr.	Peery	Somers, N. Y.	Wason
McMillan	Perlman	Spearing	Watres
McReynolds	Phillips	Sproul, Ill.	Watson
McSwain	Porter	Sproul, Kans.	Weller
MacGregor	Pou	Stedman	Wheeler
Madden	Prall	Stobbs	White, Kans.
Major	Pratt	Strong, Kans.	White, Me.
Manlove	Quayle	Strong, Pa.	Whittington
Mansfield	Quin	Strother	Williams, Ill.
Martin, La.	Ragon	Swank	Wilson, La.
Martin, Mass.	Rainey	Swing	Wilson, Miss.
Menges	Ramseyer	Taber	Wingo
Michaelson	Rankin	Taylor, Colo.	Wolverton
Miller	Ransley	Taylor, N. J.	Woodrum
Milligan	Rathbone	Taylor, Tenn.	Wright
Montague	Rayburn	Temple	Wurzbach
Montgomery	Reed, Ark.	Thomas	Wyant
Moore, Ky.	Reed, N. Y.	Thurston	
Moore, Va.	Reid, Ill.	Tillman	
Morgan	Robinson, Iowa	Tilson	

ANSWERED "PRESENT"—2

Sosnowski Treadway

NOT VOTING—103

Aldrich	Fish	Kelly	Sinclair
Appleby	Flaherty	Kendall	Sinnott
Bacon	Fredericks	Kirk	Smith
Bankhead	Fuller	Lee, Ga.	Smithwick
Barbour	Funk	Leibach	Stalker
Barkley	Furlow	Lineberger	Steagall
Beers	Gallivan	Linthicum	Stephens
Black, N. Y.	Garber	Lowrey	Sullivan
Bloom	Gardner, Ind.	Luce	Summers, Tex.
Bowling	Garner, Tex.	McFadden	Swartz
Brumm	Garrett, Tenn.	Magee, N. Y.	Sweet
Buchanan	Golder	Magee, Pa.	Swoope
Bulwinkle	Goldsborough	Magrady	Taylor, W. Va.
Burtuss	Graham	Merritt	Thatcher
Campbell	Green, Iowa	Mills	Tucker
Celler	Greenwood	Morin	Vare
Cleary	Griffin	Nelson, Me.	Wainwright
Corning	Hare	O'Connor, N. Y.	Walters
Cox	Haugen	Peavey	Weaver
Crumacker	Hawes	Perkins	Welsh
Darrow	Hawley	Purnell	Williams, Tex.
Davenport	Hill, Ala.	Reece	Winter
Davey	Hull, Tenn.	Rouse	Wood
Denison	Johnson, Ill.	Sanders, N. Y.	Yates
Drane	Johnson, Ky.	Sears, Fla.	Zihlman
Eaton	Johnson, S. Dak.	Sears, Nebr.	

So the motion of Mr. CRAMTON to lay the motion of Mr. MADDEN on the table was rejected.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Appleby with Mr. Bankhead.
 Mr. Swoope with Mr. Rouse.
 Mr. Reece with Mr. Buchanan.
 Mr. Vare with Mr. Steagall.
 Mr. Eaton with Mr. Gallivan.
 Mr. Sweet with Mr. Garner of Texas.
 Mr. Morin with Mr. Taylor of West Virginia.
 Mr. Fuller with Mr. Sullivan.
 Mr. Fish with Mr. Garrett of Tennessee.
 Mr. Brumm with Mr. Summers of Texas.
 Mr. Denison with Mr. Cleary.
 Mr. Funk with Mr. Sears of Florida.
 Mr. Bacon with Mr. Weaver.
 Mr. Thatcher with Mr. Cox.
 Mr. Luce with Mr. Davey.
 Mr. Welsh with Mr. Gardner of Indiana.
 Mr. Nelson of Maine with Mr. Hull of Tennessee.
 Mr. Sears of Nebraska with Mr. Williams of Texas.
 Mr. Golder with Mr. Drane.
 Mr. Johnson of South Dakota with Mr. Celler.
 Mr. Smith with Mr. Smithwick.
 Mr. Darrow with Mr. Greenwood.
 Mr. Aldrich with Mr. Lee of Georgia.
 Mr. Swartz with Mr. Johnson of Kentucky.
 Mr. Wood with Mr. O'Connor of New York.
 Mr. Perkins with Mr. Bowling.
 Mr. Graham with Mr. Lowrey.
 Mr. Green of Iowa with Mr. Bloom.
 Mr. Magrady with Mr. Tucker.
 Mr. McFadden with Mr. Black of New York.
 Mr. Kelly with Mr. Griffin.
 Mr. Sinclair with Mr. Hare.
 Mr. Magee of New York with Mr. Goldsborough.
 Mr. Campbell with Mr. Hill of Alabama.
 Mr. Yates with Mr. Linthicum.
 Mr. Stalker with Mr. Hawes.
 Mr. Sinnott with Mr. Corning.
 Mr. Hawley with Mr. Bulwinkle.

Mr. FUNK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present when his name was called?

Mr. FUNK. I was not.

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The SPEAKER. The gentleman does not qualify.

Mr. MAGRADY. Mr. Speaker—

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MAGRADY. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. BARBOUR. Mr. Speaker, is this a yea-and-nay vote?

The SPEAKER. It is.

Mr. BARBOUR. I was not present. I came in just after my name was called.

Mr. SOSNOWSKI. Mr. Speaker, I desire to withdraw my vote.

The SPEAKER. The gentleman from Michigan withdraws his vote.

The result of the vote was announced as above recorded.

Mr. SOSNOWSKI. Mr. Speaker, I ask unanimous consent, inasmuch as this language I do not believe is objectionable, but as others object to it, that it be taken out of the RECORD.

Mr. MADDEN. Mr. Speaker, I object. If the gentleman is asking unanimous consent without any qualification—

The SPEAKER. Objection is heard.

Mr. MADDEN. Mr. Speaker, I want the gentleman's language taken out.

Mr. CRAMTON. Mr. Speaker, the only point disposed of is the motion to lay on the table.

Mr. MADDEN. If the gentleman from Michigan unqualifiedly asks leave to withdraw the language, I will be glad to consent to it, but if he makes the qualification that it is not offensive I shall have to object to his withdrawing it.

Mr. MAPES. The gentleman says in his opinion the language is not out of order, and he asks unanimous consent to withdraw it.

Mr. BRITTEN. Let him state it himself.

Mr. MADDEN. I am willing for him to withdraw it if he makes the unqualified request.

Mr. SOSNOWSKI. Mr. Speaker, I repeat again I do not believe the language is objectionable—

Mr. MADDEN. Mr. Speaker, I object.

Mr. SPOUL of Illinois. Mr. Speaker, I object.

The SPEAKER. The question recurs on the motion of the gentleman from Illinois that the language be stricken out.

The question was taken, and the Speaker announced the ayes appeared to have it.

On a division (demanded by Mr. CRAMTON) there were—ayes 170, noes 60.

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Thirty-six gentlemen have arisen, not a sufficient number.

So the yeas and nays were refused.

The SPEAKER. The gentleman from Michigan will proceed.

Mr. MADDEN. In order?

The SPEAKER. In order.

Mr. SOSNOWSKI. Mr. Speaker, in further defending my record I wish to say this:

If fighting the stealing of water in excess of the requirements for legal uses out of the Great Lakes is "malice and envy," then I enter a plea of guilty. Why, though, should Detroit be jealous of Chicago? Business is good in Detroit, and we are growing. We have plenty of room for expansion both in territory and in business. No, no, Mr. Tribune, we want Chicago to grow; it makes a fine market for our automobiles.

Grow on, Chicago; clean up, Chicago; be honest, Chicago, and Detroit will be proud of you and glory in your strength.

At first I was inclined to be hurt when they referred to me as the "embattled foreigner." Then, on second thought, my sympathy went out to this misguided and misinformed paper. For if being a "foreigner" is a reflection, then I have a lot of company in Chicago. If being "embattled" is a reflection, then my buddies in the service of my country are in company with me. If being opposed to the "Chicago steal" is a reflection, then, again, my companions are millions.

Mr. MADDEN. Mr. Speaker, I ask that the words be taken down.

Mr. SOSNOWSKI. That is referred to in the editorial.

Mr. MADDEN. That is all right—and I move that they be stricken from the RECORD.

The SPEAKER. The gentleman from Illinois demands that certain words be taken down. The gentleman from Illinois will refer to the words.

Mr. MADDEN. "Chicago steal."

The SPEAKER. The Clerk will report the words complained of.

Mr. MAPES. Mr. Speaker, before the decision is made on that question I desire to argue the point of order that the language is not subject to a point of order.

The SPEAKER. Let the Clerk report the language.
The Clerk read as follows:

If being opposed to the Chicago steal is a reflection, then again my companions are millions.

Mr. MADDEN. Mr. Speaker, I move that those words be stricken out.

The SPEAKER. The gentleman from Illinois moves that those words be stricken out.

Mr. MAPES. Mr. Speaker, I make a point of order that the language is not subject to a point of order, and that it can not be stricken from the RECORD.

Mr. CRAMTON. Mr. Speaker, supporting that, allow me to suggest that if it is in order for a Member to rise on the floor in the middle of a speech and move that a part of that speech be stricken from the RECORD, regardless of whether or not it is parliamentary language, then you open the door here for a majority to ruthlessly ride down a minority. When a Member makes a perfectly parliamentary speech, under those circumstances it would be in order to strike it out if it did not happen to suit the majority. I hold that it is not in order to expunge those remarks unless it is first held by the Chair that the language was unparliamentary, or at least submitting the language to the House for its decision.

In fact, the language used by the gentleman from Michigan was not unparliamentary. It does not raise any question as to any Member of the House, and does not impugn the motives of any Member of the House.

It uses the words "Chicago steal," and it has been demonstrated that under a certain order of the Secretary of War a certain amount of water was permitted to be diverted, but that for a long period of years water was diverted greatly in excess of that amount; so that the language used is simply a statement of fact, not impugning the motives of any Member of the House, and therefore it was entirely parliamentary.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] makes the point of order that the language complained of is not out of order. The Chair is aware of the fact that the precedents differ somewhat as to whether it is within the province of the Chair to make that decision or not. The present occupant of the chair thinks that in these cases it is better for the House to decide, and the vote of the House to strike out certain language should be based on the proposition that the words are not in order. The Chair in effect leaves to the House to determine whether the words were in order or not.

Mr. MOORE of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Virginia. In voting are we to decide whether Chicago is trying to steal something, or the Members representing Chicago were trying to do it?

The SPEAKER. The vote is on the question whether the statement is parliamentary or not.

Mr. CRAMTON. It is not whether a Member of Congress is trying to do it or not, but whether the statement made is parliamentary.

The SPEAKER. The question is whether in a parliamentary sense the words are in order or not.

Mr. MADDEN. Mr. Speaker, in order not to waste time on this question, I withdraw my motion.

The SPEAKER. The gentleman from Illinois withdraws his motion to strike out the language.

Mr. SOSNOWSKI. I take no credit for the fact that I was born in the good old United States of America. The credit for this fact of birth is due to my splendid father and mother. They had choice of residence and they selected this country. They exercised good judgment in coming and they exercised better judgment in staying long enough for me to be born here. I have always felt grateful to my parents that they made it possible for me to be a native son of this splendid country.

Yes; I have kept their name—maybe it is a little hard to pronounce—but it is a family name we are proud to own. I am doing my part to pass this name on to the generations of to-morrow.

On the very day this editorial appeared the President of these United States paused in his busy life to pay tribute to a great Scandinavian who had rendered signal service to this Republic. On other days tribute has been paid by Presidents to distinguished Poles who had rendered outstanding service to this Republic.

I am truly proud of my name, and shall keep it, for it is positive proof of the good judgment of my parents which was so conspicuously displayed when they came to this country to make it their permanent home.

"Embattled"—how that word was meant to bite and tear. In two chances to fight for my country, I have a batting average of 1,000, and if they will hurry along with another war, I will be able to get into it. In the meantime, and while waiting for another outside foe, I will render the best service in me for my country by shooting with "poison gas" at the "Chicago diversion steal," the New York raid on the National Treasury, and pork-barrel legislation in particular.

Twice I have offered my life to my country on the field of battle, so I fear not to serve her in the hours of peace. The Chicago diversion, in my humble opinion, is a "steal," a moral as well as economic wrong against the rights of millions of people. If fighting this battle for my country, for justice, and honesty makes me an "embattled foreigner," then I accept the gauge and will marshal all the hosts at my command.

Mr. SNELL. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. SNELL. Simply in the interest of orderly procedure in the House, I do feel that the gentleman should confine himself strictly to the question of privilege and not discuss the merits of the proposition before the House. I feel that in the interest of orderly procedure he should absolutely cut that out now in his statement.

The SPEAKER. The gentleman has a right to disprove a statement to the effect that he is actuated by envy and malice.

Mr. SABATH. Is it not true that he proves that the article was based on envy and malice?

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. Is it not a fact that in order to defend himself against this unwarranted slander the gentleman has to predicate his denial on facts, and he can not bring forward all the facts to show that he is not a foreigner without saying what he has said? And is it not necessary, if there is any particular language which is out of order, that a gentleman who raises a point must quote the specific language to the Chair to which he objects?

Mr. BEGG. If the Chair will permit me, I would like to make an observation on all this procedure here. The question has been raised about the gentleman's right to discuss the merits of the proposition. I want to ask the Chair how he can answer the criticism in the newspaper that refers to him as an "embattled foreigner," having no reason, because there is no reason in it? I say that the reason referred to is the merits of the proposition.

Mr. CHINDBLOM. Will not the gentleman—

Mr. BEGG. I have the floor, through the courtesy of the Speaker and the gentleman from Michigan [Mr. SOSNOWSKI]. If the gentleman is precluded from saying anything about the merits of the proposition, how can he prove that there is merit in his original statement?

Mr. SNELL. I do not object to his original statement, but when he starts out to discuss the merits of the proposition of the diversion of water by Chicago he is not speaking to the question of personal privilege.

Mr. BEGG. How could he prove that there is no reason when there is no reason in the project?

Mr. SNELL. The rule provides that a man can state his personal privilege. That is one of the precious privileges of the House. But he is making an argument on the merits of the proposition.

Mr. MAPES. Would the gentleman from New York hold that the gentleman from Michigan must be confined in his proof that he was not an "embattled foreigner" to producing a certified copy of his birth certificate here?

Mr. SNELL. I did not raise any question about that at all. It is simply a question that the gentleman's discussion about the diversion of water is not in order at this time.

The SPEAKER. The Chair thinks that the gentleman from Michigan may, in confining himself to the point of order, use any proper language to indicate that his stand on this river and harbor question is induced by high motives and not by envy and malice. The gentleman will proceed on that basis. [Applause.]

Mr. SOSNOWSKI. Twice I have offered my life to my country on the field of battle, so I fear not to serve her in the hours of peace. The Chicago diversion, in my humble opinion, is a "steal," a moral as well as economic wrong against the rights of millions of people.

Mr. RANKIN. Mr. Speaker, a point of order. The gentleman refers to the Chicago diversion. That is the bill which is before the House, and I submit that if that is what the gentleman means by that language he is charging the membership of the House who favor that measure with perpetrating or attempting to perpetrate a steal. I want to ask the gentleman in

all fairness if he is referring to the bill that is now before the Congress as a steal?

Mr. SOSNOWSKI. Mr. Speaker, I would like to have the gentleman read the editorial, as he was not here when I read it. If he will read the editorial, he will see that my language is proper and in order.

Mr. RANKIN. No; I am asking whether the gentleman refers to the bill now before the House as a steal?

Mr. SOSNOWSKI. I am replying to the editorial in defense of my rights here on this floor and as a Representative of my district.

Mr. RANKIN. In the opinion of the gentleman from Michigan is this bill a steal, or is he referring to this bill as a steal or not?

Mr. SOSNOWSKI. Mr. Speaker, I do not yield any further.

Mr. RANKIN. The gentleman does not have to yield. I demand that the words be taken down.

The SPEAKER. The Clerk will report the words complained of by the gentleman from Mississippi.

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry. The time which has been consumed by the gentleman from Mississippi [Mr. RANKIN] in making the point of order will not be taken out of the gentleman's time, will it?

The SPEAKER. The Clerk will report the words complained of by the gentleman from Mississippi.

The Clerk read as follows:

The Chicago diversion, in my humble opinion, is a "steal," a moral as well as economic wrong against the rights of millions of people.

Mr. CRAMTON. Mr. Speaker, a point of order. The language taken down could not be held to refer to the bill, as suggested by the gentleman from Mississippi, because it has been stated that the bill purports to provide that there is no diversion involved.

The SPEAKER. As the Chair announced a few moments ago, he does not believe it is properly within the province of the Chair to determine whether the language complained of is or is not in order. The gentleman from Mississippi moved that the words be stricken out, and the House, in acting upon that, will determine the question of order.

Mr. RANKIN. Mr. Speaker, if that is the ruling of the Chair, I move that that language be stricken from the RECORD.

The SPEAKER. The gentleman from Mississippi moves that that language be stricken from the RECORD.

Mr. DOWELL. Mr. Speaker, as a matter of orderly procedure, I desire to suggest that the rule provides as follows:

After the Speaker has decided that words taken down are out of order, a motion that the Member be permitted to explain is in order before the motion that he be permitted to proceed is in order.

Now, that certainly implies that before any other procedure is taken it must be determined that the words are out of order.

The SPEAKER. But the rule does not provide that the Speaker shall determine that question, and in this case the Chair has declared that he would prefer not to determine it. The Chair thinks that the motion to strike out the words will be determined by the House on a motion either that they are out of order or are in order.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. I am not entering into this controversy, and my only purpose is to get it properly before the House. If this is submitted to the House, is it not submitted the same as any other parliamentary question, and should not that be determined before the motion to strike out is in order?

The SPEAKER. No; the Chair thinks that the question is determined by one vote, and that it is not necessary to have two votes.

Mr. DOWELL. Mr. Speaker, may I just finish this—

After the Speaker has decided that words taken down are out of order, a motion that the Member be permitted to explain is in order.

Now, there are two distinct propositions here. The one is: Are the words out of order and unparliamentary? That will be determined by the Speaker if he so desires, and if not, he may submit it to the House as any other question. If the House determines they are not in order, then, of course, it will proceed accordingly. But I submit, Mr. Speaker, that as a matter of parliamentary procedure we ought not to determine the two questions in one because the House must first determine—if the Chair submits it to the House—whether or not the language is unparliamentary, and then, if it is determined that it is unparliamentary, the gentleman's motion is in order.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry. Is the question debatable?

The SPEAKER. The motion is not debatable, but the gentleman from Iowa is addressing the Chair.

Mr. DOWELL. I think, Mr. Speaker, as a parliamentary proposition, without any reference to the merits or demerits, before this motion is in order, the House must have determined, or the Speaker must have held that the words are unparliamentary. I submit that the two can not be taken together, and under the language of the rule, it seems to me clear that the House, before a motion is in order, must determine the other question. After it has determined that question, then it may determine what procedure it will take. In the interest of parliamentary procedure and in the interest of the precedents, the language of the rule should be followed.

The SPEAKER. The sole question raised by the gentleman from Iowa is whether in the event the Speaker has not ruled on the question it is necessary for the House to vote twice on the same proposition. The Chair does not think that is necessary. The rule has nothing to say about anything after the House shall have determined, but only when the Speaker shall have determined.

Mr. BEEDY. Mr. Speaker, I ask unanimous consent, in order that we may save the time of the House, that the gentleman from Michigan assist us in this dilemma by stating whether he referred to the bill, or whether he referred to events that have occurred in the past.

The SPEAKER. The motion made by the gentleman from Mississippi is not debatable. The Chair holds, as he held before, that he does not feel it within the proper province of the Chair to rule on these questions; that it is for the House to determine whether or not the language complained of is in order; and that the vote taken by the House is the vote determining whether or not it is in order. Gentlemen voting for the motion of the gentleman from Mississippi will vote that the words are not in order and should be stricken out, and gentlemen voting the other way will express their opinion that the words are in order and should not be stricken out.

Mr. BEEDY. Mr. Speaker, I am not asking for debate; I am asking, by unanimous consent, that the gentleman enlighten the House in order to clarify the situation before we attempt to vote, whether the gentleman referred to the bill or not.

Mr. SCHAFER. I object, Mr. Speaker.

Mr. CRAMTON. Mr. Speaker, I hope the gentleman from Mississippi will withdraw his motion; but if not, I move to lay the motion upon the table.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 89, noes 76.

Mr. SCHAFER. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes a point of order there is not a quorum present. The Chair will count. [After counting.] Two hundred and forty Members present, a quorum.

So the motion of the gentleman from Michigan to lay on the table the motion of the gentleman from Mississippi was agreed to.

Mr. SOSNOWSKI. Chicago diversion is a violation of law, a violation of an international treaty, a violation of the property rights of the people of Minnesota, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, and New York, and a violation of the navigation rights of all the people of the United States.

The Congressman from the first district of Michigan is not now and has not been opposed to the development of the Illinois River for navigation. I am fighting only the unlawful taking of water.

Mr. Speaker and gentlemen, the question of language has been raised here. I would like to ask the distinguished gentleman from Illinois [Mr. MADDEN] how many times the word "looting" was used on the floor of this House when they were discussing the tariff with the gentleman from Texas [Mr. GARNER].

How many times has the distinguished gentleman from Texas [Mr. GARNER] used the word "stealing" on the floor of this House? When I use my language in defense of my record against the editorial of the Chicago Tribune, I am not referring to the bill. I am referring to the amount of water that is being stolen to-day from the people on the Great Lakes and used illegally. [Applause.]

Mr. WEFALD. Will the gentleman yield?

Mr. SOSNOWSKI. I yield to the gentleman.

Mr. WEFALD. Could a tariff bill be discussed on the floor of this House without the word "stealing" being used? [Laughter and applause.]

Mr. SOSNOWSKI. I do not think it could. [Laughter and applause.]

Mr. Speaker and gentlemen, I further desire to call your attention to the reason why I have objected to this editorial and to the reason why I object to further stealing of water from Lake Michigan for the Chicago Drainage Canal. Because it is detrimental to our interests; because it is detrimental not only to the people whom I represent—the first district of Michigan—whose population is very close to 700,000 people, bordering on the Great Lakes, but to the whole country. I am speaking in defense of the rights also of the people who own property adjoining the Great Lakes who to-day, due to this diversion of water, have lost millions of dollars in property. I refer to the beaches that have gone high and dry, to the bridges that are ruined, to the slips that can not be used for navigation as inlets from the Lakes.

This is why I maintain that something which is not legally given to anyone is a steal.

Mr. CRAMTON. Will the gentleman yield?

Mr. SOSNOWSKI. I yield to the gentleman from Michigan.

Mr. CRAMTON. As I understand the situation, the editorial charged that the gentleman, in his opposition to the pending river and harbor bill, was actuated only by envy and malice; that there was no reason back of his position. Has the gentleman noted in that connection a circular called "Facts on lake levels," compiled by the Illinois division of the Mississippi Valley Association, published and distributed by the Chicago Association of Commerce? It having been suggested that no diversion is involved in the Illinois River improvement, there is this paragraph:

It is not impossible for Chicago to take care of all of its sewage and waste without the diversion—

And the following words are printed in italics in the circular distributed by the Chicago Association of Commerce—

but it is impossible to construct an efficient 9-foot waterway from the Lakes to the Gulf of Mexico without the Mississippi diversion.

Further:

The Illinois River without the diversion is a narrow, sluggish, and tortuous stream. With the diversion it can be made an efficient waterway.

The gentleman from Michigan no doubt contends that he is opposing the river and harbor bill not from motives of envy or malice but because of the alarm he must feel at the injury to commerce on the Great Lakes by the diversion mentioned in this statement and there insisted on as necessary.

Mr. SOSNOWSKI. That is very true.

Mr. CHALMERS. Will the gentleman yield?

Mr. SOSNOWSKI. I will yield to the gentleman.

Mr. CHALMERS. In corroboration of what the gentleman has said in regard to this editorial, I have a news item from the same paper referring to this question, and I would like to read it, if the gentleman will yield.

Mr. SOSNOWSKI. I yield.

Mr. CHALMERS. This is the news item:

PUZZLED BY STATES' FIGHT

"But what explanation can be advanced for the action of the statesmen of Ohio, Michigan, Wisconsin, and Minnesota in supporting Canada's stand when the remaining States of the Union are in favor of the plan?" the report asks.

"Whatever their purpose, the politicians in those four States are warring against the interests of the farmers of the Middle West, including those within their own boundaries, as well as against the manufacturers and shippers of the entire country.

"Sentiment against the waterway among private citizens in these four States is not widespread and possibly is excusable on the theory that citizens have been misinformed. No such alibi can be claimed, however, by such leaders of the opposition as Congressmen BURTON, CHALMERS, and MOONEY, of Ohio, and SOSNOWSKI, of Michigan, who are conversant with the entire lake-level problem.

TO RAISE LAKE LEVELS

"These men know the lake levels will be raised and not lowered by the installation of compensating works and that \$1,000,000 for their construction has been placed with the Government by Chicago. They also know that \$125,000,000 has been appropriated by Chicago for sewage-treatment plants to make the city independent of diversion for sanitary purposes.

"They can not plead ignorance. All the facts are against them. Their arguments have been irrefutably answered."

Now, if the gentleman will yield further, I want to read an editorial answering that.

Mr. SOSNOWSKI. I yield.

Mr. CHALMERS. This is the editorial:

CHICAGO FINDS OUT

This promises to be a year of brilliant and singular discovery.

A professorial expedition from California has just set foot on the shores of New Guinea and will shortly be on its way to the summits of the unmapped Snow Mountains. Nine outfits of explorers in bear furs are moving in the general direction of the North Pole; one has got there. And though it is only May the trade committee of the Chicago Association of Commerce has already discovered that the Canadian objection to the draining of Lake Michigan, and of other lakes in turn, is the ugly and horrific result of hatred of the American tariff.

Of all the products of perilous exploration for the year 1926 this last promises to stand out as the most original, the most spectacular, the most likely to win one of the multitudinous Pulitzer, Nobel, or Rockefeller prizes.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Illinois for a parliamentary inquiry?

Mr. SOSNOWSKI. No; I yield to the gentleman from Ohio and not to the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, then I make the point of order that the gentleman from Michigan can not yield to the gentleman from Ohio to take up the time reading editorials that have nothing to do with his question of personal privilege.

The SPEAKER. The gentleman from Illinois is correct.

Mr. CHALMERS. I will finish this if the gentleman will be patient.

Mr. SABATH. We have been wasting time enough and it is only for the purpose of killing time, and I insist on the point of order.

Mr. CHALMERS. I want to say to the gentleman from Illinois—

Mr. SABATH. The editorial that the gentleman is reading has nothing to do with the question of personal privilege.

Mr. CHALMERS. If the gentleman will allow me I will show him that it has.

The SPEAKER. The gentleman from Ohio will confine himself to the question of personal privilege of the gentleman from Michigan.

Mr. CHALMERS (reading)—

You may be puzzled at first as to how the Chicago committee happened upon so astonishing a truth. But a little thought will clear the matter up for you. These times, as we all know, are distinguished for novel methods of research. The Chicago investigators have refused to follow in the ruts of dry-as-dust students. They have beaten their own paths through the jungles of error and illusion. The history of the fight on the drainage steal, running back for 20 years or so, has not been permitted to hamper the inquiry. Logic has been avoided as a stupid impediment. Common sense has been dodged as a good Christian would flee from the machinations of the devil. Through such luminous and transcendent approaches to a vexed subject the learned trade committee of the famous Chicago Association of Commerce has uncovered the foul secret of Canadian obstruction.

Mr. SABATH. Mr. Speaker, I renew my point of order.

Mr. McDUFFIE. Mr. Speaker, I make the point of order that the gentleman from Michigan is only recognized on a question of personal privilege, and I contend that it is not in order for him to yield time to various Members of the House for the purpose of reading editorials and newspaper articles that do not go to the question of personal privilege that is being discussed by the gentleman who has the floor.

The SPEAKER. The gentleman from Alabama is correct; the question of privilege does not allow the gentleman from Michigan to yield except for that which applies to his question of personal privilege.

Mr. BEGG. Mr. Speaker, I agree if what the gentleman says is accurate, but I submit that if the gentleman from Michigan desires to yield to any Member to say a word or read something in support of his contention, namely, that his action is not motivated by envy or malice, he has the right to do it.

The SPEAKER. The gentleman from Ohio thinks that the gentleman from Michigan has a right to call a character witness. [Laughter.] The gentleman from Ohio must confine himself to the matter of personal privilege.

Mr. BEGG. That is correct, but the point of order was not made that this was not relevant to the question of personal privilege.

Mr. WINGO. Mr. Speaker, I rise to a further point of order.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry. How many personal-privilege questions are running at this time?

Mr. WINGO. Mr. Speaker, I make the point of order that a question of personal privilege is one that is personal to the man

who raises it. He can not, without violating the spirit of the rules of the House, yield to the gentleman from Ohio [Mr. CHALMERS] to do what the gentleman from Ohio has been doing. The object of the rules of the House is to transact the business of the House, and not to obstruct the business of the House. If this proceeding can go on, then when the gentleman from Michigan [Mr. SOSNOWSKI] has concluded his hour, all these other gentleman who are against this bill can take all these other different editorials and swap time about and do what must be obvious to the Chair, make use of the rules of the House to obstruct the business of the House. The only reason why a Member is permitted to stop the proceedings of the House for an hour on a matter of personal privilege is because whenever his character is assailed we say that within one hour's time he ought to be able to refute the assault on his character, and the House deems that the gentleman whose character is assailed is capable of taking care of himself without parceling out his defense to all of his friends in the House, with the obvious result of delaying the proceedings of the House.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. BEGG. Supposing any gentleman has risen to a question of personal privilege and knows that some other gentleman has some information supporting his contention, does the gentleman contend that the gentleman rising to the question of personal privilege is to be shut off from getting that information before the House?

Mr. WINGO. Oh, no; but let me say to my friend from Ohio—and I do not believe the gentleman will seriously contend to the contrary—that all this proceeding that has been going on is not pertinent to the question of personal privilege. I listened to the reading of the editorial by the gentleman from Ohio [Mr. CHALMERS], and I did not see any reflection upon the gentleman from Michigan. If a proceeding of this kind is to be permitted, then one can rise to this same question of personal privilege on every hotly contended bill that comes before the House. If the gentlemen who are responsible for the conduct of the business of the House want to set such a precedent, I shall raise no objection, but they must see, with the floor in laughter and the galleries in laughter, that everyone recognizes that the rules of the House have been made a mockery of in behalf of a filibuster by those who are against the bill. I do not think the gentleman in charge of the business on the Republican side of the House, from the standpoint of public business, can afford to permit such a lax enforcement of the rules or such latitude upon the question of personal privilege. [Applause.]

Mr. SNELL. Mr. Speaker, I feel that the Speaker has been extremely liberal to the gentleman from Michigan [Mr. SOSNOWSKI], and I feel that he should have a right to say anything that is necessary to substantiate his position; but there is no question in the mind of Members of the House who are fair that this has gone very far afield. The widest latitude I have ever seen since I have been a Member of the House has been indulged in. I think everything the gentleman from Ohio [Mr. CHALMERS] said is entirely out of order at this time, and I for one am going to make the point of order every single minute unless we can confine ourselves to the subject before the House.

Mr. SCHAFER. Mr. Speaker, I respectfully submit to the Chair that I disagree with the gentleman from New York [Mr. SNELL]. The editorial which prompted the gentleman from Michigan [Mr. SOSNOWSKI] to rise to a point of personal privilege clearly indicated that the writer of it considered the gentleman's motive in the light, not of an American but of a foreigner. The articles submitted by the gentleman from Ohio [Mr. CHALMERS] clearly contain valuable information which the House should have before it with reference to a determination of this foreigner question. In fact, the article which has been read by the gentleman from Ohio calls specific attention to charges and allegations that those opposing the Chicago diversion are acting with ulterior motives in support of a foreign nation, namely, Canada. I think the Chair must agree and the House must agree that the material submitted to the House by the gentleman from Ohio [Mr. CHALMERS] is clearly pertinent to the question at issue. In fact, when a newspaper article condemns an American citizen who has served his country in two wars and classifies him as a foreigner and practically indicates that he is actuated by ulterior motives, all pertinent questions should be considered. [Applause.]

The SPEAKER. The Chair thinks that the rule is as stated by the gentleman from Arkansas [Mr. WINGO] and as stated by the gentleman from New York [Mr. SNELL]. The gentleman from Michigan [Mr. SOSNOWSKI] must confine himself strictly to the question of personal privilege, and if he yields to another gentleman, that gentleman is also bound within the same limits. If the matter be brought to his attention again, the Chair will

hold that anything read by the gentleman from Ohio that is not strictly pertinent to the point at issue is out of order.

Mr. SOSNOWSKI. Mr. Speaker, I state further in defense of what I said about the Chicago diversion of water from Lake Michigan for the Sanitary District of Chicago that our chief reason for our objection is that it is detrimental to the great shippers on the Great Lakes, to the shippers who to-day represent a tonnage of 125,000,000.

Mr. LA GUARDIA. Mr. Speaker, will the gentleman yield?

Mr. SOSNOWSKI. Yes.

Mr. LA GUARDIA. I have in my hand the editorial of which the gentleman complains. The Chicago Tribune is a great daily newspaper. I want to ask the gentleman some questions. The editorial here refers to the gentleman's remarks and states that that is not the voice of a man arguing the merits of a proposed appropriation. Has the gentleman given the appropriation study; has he made an investigation of the appropriation upon its merits?

Mr. SOSNOWSKI. Very carefully.

Mr. LA GUARDIA. For a long time?

Mr. SOSNOWSKI. For a long time.

Mr. LA GUARDIA. I understand the gentleman is a member of the committee?

Mr. SOSNOWSKI. I am.

Mr. LA GUARDIA. The editorial charges that the gentleman's words are inspired by envy and malice. The gentleman is a resident of the State of Michigan. The gentleman has no property of his own that is in any way affected by this diversion of water?

Mr. SOSNOWSKI. None at all.

Mr. LA GUARDIA. And the gentleman's interest in this matter is a public interest?

Mr. SOSNOWSKI. In defense of the people and their interests.

Mr. LA GUARDIA. So that this diversion of water will cause the gentleman no personal loss?

Mr. SOSNOWSKI. That is correct.

Mr. LA GUARDIA. And his opposition to the appropriation, I take it, is in his capacity as a Representative of the State of Michigan?

Mr. SOSNOWSKI. That is right.

Mr. LA GUARDIA. Now, the State of Michigan is a party to this action now pending in the Supreme Court of the United States?

Mr. SOSNOWSKI. That is right.

Mr. LA GUARDIA. I know my State is, and there have been resolutions passed by various civic bodies in the gentleman's State, is not that true?

Mr. SOSNOWSKI. Yes.

Mr. LA GUARDIA. These resolutions have been forwarded to the gentleman, have they not?

Mr. SOSNOWSKI. Mr. Speaker, I can not hear what the gentleman says on account of the noise.

Mr. LA GUARDIA. These resolutions have been forwarded to the gentleman. They were also forwarded to the gentleman's colleagues of his delegation from his State?

Mr. SOSNOWSKI. Yes.

Mr. LA GUARDIA. The gentleman is not the only Member of this House who opposes this item in the appropriation bill?

Mr. SOSNOWSKI. No.

Mr. LA GUARDIA. In fact, there is a great deal of opposition to it. Am I correct in that?

Mr. SOSNOWSKI. Yes.

Mr. MONTAGUE. Mr. Speaker, I rise to a point of order. Is the inquiry propounded by the gentleman from New York in order?

The SPEAKER. The Chair has attempted to follow the discussion, and so far he thinks it is in order.

Mr. MONTAGUE. A question as to whether it is meritorious or not meritorious is in order?

The SPEAKER. The Chair did not so understand.

Mr. MADDEN. Mr. Speaker, I wonder if a parliamentary inquiry could be properly made. I would like to ask this question, whether the time occupied by the gentleman from New York is charged to the gentleman from Michigan?

The SPEAKER. Unquestionably.

Mr. WINGO. Mr. Speaker, I make the point of order the last question the gentleman from New York asked the gentleman from Michigan has nothing to do with the question of privilege.

The SPEAKER. The Chair was unable to hear.

Mr. WINGO. If the Chair will just listen it will be obvious to him as it is to others what the object of the colloquy is.

The SPEAKER. The Chair rules that any question asked by the gentleman from New York must be on the subject—

Mr. WINGO. On the subject of personal privilege?

The SPEAKER. On the subject of personal privilege, nothing to do with the bill whatever.

Mr. WINGO. What on earth can it have to do with the question of personal privilege or the bill whether or not the gentleman stands alone or whether he has got several other men opposing the bill?

Mr. CHALMERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Will the gentleman from Michigan yield for a parliamentary inquiry?

Mr. CHALMERS. I ask if the gentleman's time for this colloquy be taken out of the time—

The SPEAKER. That is not a parliamentary inquiry.

Mr. LA GUARDIA. As to this question referred to in the editorial as to the gentleman being "an embattled foreigner," I suppose these resolutions would interest the Dominion of Canada in this project. Has the gentleman had any communication from any officials of the Dominion of Canada or any of its Provinces?

Mr. SOSNOWSKI. As to—

Mr. LA GUARDIA. The item in the appropriation bill referred to in the editorial?

Mr. SOSNOWSKI. It being an international matter, we have copies of communications addressed to the State Department by the Canadian Government.

Mr. LA GUARDIA. The gentleman is not interested in any lake-shore property in the Dominion of Canada?

Mr. SOSNOWSKI. Not a foot.

Mr. LA GUARDIA. The gentleman has been in no communication directly with any resident of the Dominion of Canada interested in this project?

Mr. SOSNOWSKI. I have not.

Mr. KUNZ. Will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. SOSNOWSKI. I yield to the gentleman from New York, if he is not through.

Mr. KUNZ. Mr. Speaker, will the gentleman yield for a moment?

Mr. SOSNOWSKI. I yield.

Mr. KUNZ. The gentleman from New York [Mr. LA GUARDIA] just asked the gentleman from Michigan about the Canadian Government objecting to the diversion of water. Permit me to call the gentleman's attention to the fact that Charles Stuart, the Canadian Minister of the Interior—

Mr. FREAR. Mr. Speaker, I make the point of order that that is not in order. The gentleman does not yield for that purpose.

Mr. SOSNOWSKI. No; I do not yield for that purpose.

Mr. KUNZ. The gentleman yielded to me. Have I the floor, Mr. Speaker?

The SPEAKER. The gentleman from Michigan does not yield.

Mr. SOSNOWSKI. I want to call attention to the fact that our chief objection to this is that this diversion is jeopardizing and injuring our interests on the Great Lakes. The shippers on the Great Lakes to-day are interested in a waterway from the Great Lakes by way of the St. Lawrence River to the ocean.

Mr. SNELL. Mr. Speaker, I make the point of order, and insist on it again, that this question of personal privilege has nothing to do with the waterway from the Great Lakes to the ocean.

Mr. SOSNOWSKI. I am answering the editorial in the Chicago Tribune.

Mr. CHINDBLOM. The gentleman is not answering the editorial. He is not answering that portion of it which is held to be violative of his personal privilege.

Mr. BUTLER. There are only two lines in that that assail the gentleman.

Mr. CRAMTON. I make the point of order that these points of order are dilatory. The gentleman should be allowed to proceed.

The SPEAKER. Of course, it is difficult for the Chair, after hearing only a few words of a sentence, to determine whether they are any part of the general allegation.

Mr. SCHAFER. Mr. Speaker, I ask that the Reporter report the language objected to.

The SPEAKER. The gentleman has not the floor.

Mr. SOSNOWSKI. I call attention to the last part of the editorial, where it says:

Mr. DEMPSEY's speech indicates a willingness in other sections to further the ambitions of the Mississippi Valley. Mr. DEMPSEY is from Buffalo. He is the chief advocate of the so-called all-American waterway from the Lakes to the sea by way of the Hudson River. If Mr. DEMPSEY can get our Mississippi Valley waterway for us,

the valley Representatives can afford to do all in their power for his route.

Now, I take the stand in defending my position on the all-American waterway that I have the right to defend the St. Lawrence waterway, which is of more interest to our shippers than the proposed Chicago waterway. The interests I represent are perhaps the largest, and will have something to do with the great waterway from the Great Lakes through the St. Lawrence River to the ocean.

Mr. WINGO. Mr. Speaker, I ask the Speaker to rule on that. That is on the merits of the proposition. What has that to do with the question of the gentleman's privilege? Many men, no doubt, could rise in their places to a question of personal privilege as being accused of being in favor of farm legislation. You could discuss those questions until next December. That has to do with the merits of the bill. Nobody can tell from that what charge is made against the gentleman.

Mr. SNELL. Mr. Speaker, I make the further point of order that that is entirely in reference to the gentleman from New York [Mr. DEMPSEY] and has nothing to do with the gentleman from Michigan.

The SPEAKER. The Chair is inclined to decide that the point of order is well taken. The Chair hopes that the gentleman will follow the spirit of the rule that has been suggested here.

Mr. SOSNOWSKI. Mr. Speaker and gentlemen, in further defense of my record against what was said by the Chicago Tribune I repeat that that paper has referred to me as "an embattled foreigner." I would like to know from the distinguished gentlemen on this floor, who have continually been raising points of order, what is the proper interpretation of an American citizen? Is a person who was born and raised in this country, who has given his service to the country at every call, an American citizen or is he a foreigner? Can the man whose people came from Ireland, Wales, or Italy, or Scotland, or any other country, but who himself was born here so be termed "an embattled foreigner"? I challenge the statement of the Chicago Tribune. I would like to compare my record with that of their sons and what they have done for the country in this war. How many of the sons of the owners of that paper have tendered their service to the country? I claim that every American citizen and every Member of this House has the right to defend his record.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield there?

Mr. SOSNOWSKI. No. I will not yield now.

I state further that in defending the rights of my people I am doing exactly what is expected of every Representative in this House by their people, and that is to represent their interests and convey to the other Members of this House their wishes before any matter can be put through and enacted into a law. The people of my district expect me to defend their rights because their rights are in jeopardy, and they have more to lose than any other district in the country, because they are bordering to-day on our greatest inland waterway, the Great Lakes system, where, as has been stated before, hundreds of millions of tons pass through yearly. I have the right to protect their interests as their Representative, and I am endeavoring to exercise that right given us as Representatives in this House under the Constitution of the United States. And I maintain that when we come here before this House of intelligent Members—because only intelligent men in the country are selected for these offices—I should demand of them in a matter of such great importance as this their careful perusal to see whether or not our rights are being jeopardized or whether it is detrimental to our interest.

The State of Michigan in championing this cause is taking the proper and only legal way. It has asked the United States Supreme Court to render a decision as to whether or not the diversion of water from Lake Michigan for the sanitary district of Chicago is legal. The State of Michigan questions that right, yet the State of Michigan did not turn out its National Guard or machine guns and artillery to defend its rights; they appealed to the highest court of this country, the Supreme Court of the United States, and the State of Michigan is willing to abide by the decisions of that court, as it has always.

I want to call your attention once more, gentlemen, to the fact that anything that is taken illegally, whether it is taken from a State or person, is a steal, and I maintain that anything over and above that which is permitted by the Secretary of War, or that which is permitted by this House, is a steal, and if this House will concur in that steal it will legislate something into law that is wrong.

Mr. SNELL. Mr. Speaker, I make the point of order that the gentleman is not complying with the request of the Speaker of the House.

Mr. SOSNOWSKI. Mr. Speaker, I want to say further in conclusion—

Mr. SNELL. Mr. Speaker, I make the point of order and ask for a ruling.

Mr. SOSNOWSKI. I am confining myself to the editorial.

Mr. SNELL. No; the gentleman is discussing Michigan and its position.

Mr. SOSNOWSKI. And their interests, which I am defending.

The SPEAKER. The gentleman from Michigan is proceeding very close to the line. Of course, he is defending his position in calling something a steal which he is opposed to and which was the foundation of the article of which he complains. But the Chair thinks the gentleman from Michigan ought to carry out the spirit of the suggestion made by the Chair.

Mr. SABATH. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. SABATH. A few moments ago, in answering a query, the gentleman stated that he does not refer to the bill when he mentions a steal, and when he answered the question as to a steal he stated there was nothing in the bill that gives or permits the taking of any water. Now, he repeats the word "steal." There is no evidence anywhere that the city of Chicago is stealing anything, because the gentleman has stated it has the right to take a certain amount of water, which has been authorized by the Secretary of War, and I defy him or anyone to try to prove that the city of Chicago or the Sanitary District is taking a drop more than it is permitted to take by the Secretary of War.

The SPEAKER. The Chair hopes the gentleman will proceed in order.

Mr. SCHAFER and Mr. HOWARD rose.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Nebraska for the purpose of propounding a parliamentary inquiry?

Mr. SOSNOWSKI. I yield to the gentleman from Wisconsin.

Mr. HOWARD. Mr. Speaker, I want to make a parliamentary inquiry.

The SPEAKER. The gentleman can not make it without the permission of the gentleman from Michigan.

Mr. SCHAFER. The gentleman from Michigan was merely calling attention to the fact that he is representing many sovereign voters of the great State of Michigan and that he was exercising his constitutional rights as a Member in pressing their desires in opposing this diversion, and that he was acting in that capacity—

Mr. WINGO. Mr. Speaker, I make the point of order that a slow recital of obvious facts is not responsive to the question of personal privilege, which the gentleman from Michigan is presenting to the House.

Mr. SCHAFER. Mr. Speaker, I would like to be heard on that point of order. Mr. Speaker, the point of order is not well taken. This editorial, which resulted in the gentleman from Michigan rising to a point of personal privilege, brands him in fact as a foreigner and I was merely reciting pertinent questions in the gentleman's time, which showed the real reasons and his motives for opposing this diversion; that it was in the interest of real Americanism and not in the interest of a foreigner or a foreign government, which the article in the newspaper would indicate. I think that every word I have said is entirely in order and in accordance with the spirit and the letter of the rules regarding the question of personal privilege.

Mr. SOSNOWSKI. Mr. Speaker, I have no further desire to keep this House any longer. I think I have covered my case clearly. I want to take this opportunity of thanking the Members for giving me their time and listening to my grievances. I think I had a perfect right to appeal to this body. In conclusion, let me state as a native-born American, that in this battle I have only the interest of my country at heart. I want to serve all the people regardless of nationality, name, location, race, creed, or color. With Stephen Decatur I can say:

Our country! In her intercourse with foreign nations may she always be in the right; but our country, right or wrong.

I thank you. [Applause.]

ORDER OF BUSINESS

The SPEAKER. When the House adjourned last night the unfinished business was the third reading of certain bills, the

gentleman from Michigan [Mr. CRAMTON] demanding the reading of the engrossed copies.

Mr. CRAMTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRAMTON. The proper place for a motion to recommit is after the third reading?

The SPEAKER. After the third reading. Does the gentleman demand the reading in full of the engrossed copies?

Mr. CRAMTON. I do.

COMMUNITY CENTERS ON RECLAMATION PROJECTS

The SPEAKER. The Clerk will read the bill (H. R. 11060) to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914.

The bill was read the third time.

Mr. CRAMTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRAMTON. I am not necessarily opposed to it; and if anyone is opposed to the bill, I would have to yield.

The SPEAKER. Does anyone opposed to the bill desire to offer a motion to recommit? If not, the Chair will recognize the gentleman from Michigan.

Mr. CRAMTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Michigan offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. CRAMTON moves to recommit the bill to the Committee on the Public Lands with instructions to amend the same by substituting therefor the following bill, and to forthwith report said bill so amended back to the House:

"A bill to authorize the extension of the application of the act entitled 'An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes,' approved October 5, 1914

"Be it enacted, etc., That the provisions of an act entitled 'An act to authorize the reservation of public lands for country parks and community centers within reclamation projects, and for other purposes,' approved October 5, 1914, be extended to the following-described land:

"All in lot 2, section 22, township 7 north, range 1 west, Boise meridian, beginning at the northwest corner of said lot 2; thence south along a line parallel to the eastern boundary of said lot 2 to the intersection with the northerly meander line of the Payette River; thence westerly along the northerly meander line of the Payette River to the intersection with the western boundary of said lot 2; thence north along the western boundary of said lot 2 to the northwest corner of said lot 2, which is the point of beginning."

Mr. CRAMTON. Mr. Speaker, I move the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 70, noes 0.

Mr. CRAMTON. Mr. Speaker, I make the point of no quorum.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 68, noes 113.

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays on the motion to adjourn.

The SPEAKER. The gentleman from Michigan demands the yeas and nays. As many as favor ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-one Members have risen; not a sufficient number.

So the motion to adjourn was rejected.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recommit the bill with instructions.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 25, noes 140.

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the bill pass?

Mr. CRAMTON. Mr. Speaker, I ask for a division.

Mr. WINGO. Mr. Speaker, I make the point of order that the demand for a division is dilatory, as there was no opposition to the bill; not a single "no" was recorded.

Mr. KETCHAM. Mr. Speaker, the gentleman is wrong about that. I voted against the bill.

Mr. CRAMTON. The gentleman from Arkansas is wrong alike as to the facts and the parliamentary law.

The SPEAKER. The demand for a division is a matter of right.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 165, noes 11.

Mr. CRAMTON. Mr. Speaker, I move to reconsider the vote by which the bill was passed.

The SPEAKER. The gentleman from Michigan moves to reconsider the vote by which the bill was passed. Did the gentleman vote for the bill?

Mr. CHINDBLOM. No; the gentleman voted against it.

The SPEAKER. Did the gentleman vote on the prevailing side?

Mr. CRAMTON. No.

Mr. MAPES. Mr. Speaker, I make the point of order that without a roll-call vote it does not matter which side the gentleman voted on. He has a right to make the motion to reconsider.

The SPEAKER. The Chair does not think so.

Mr. MADDEN. The gentleman from Michigan admitted he voted on the other side, and that ought to end it.

Mr. CHINDBLOM. I think the gentleman from Michigan can take care of himself without the help of his colleague. The gentleman stated he voted on the other side, and the Chair, of course, had the right to take his word.

So the bill was passed.

DUTIES OF CITIZENSHIP

Mr. O'CONNELL of Rhode Island. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNELL of Rhode Island. Mr. Speaker, no more important privilege attaches to citizenship in this fair land than that of voting for those officials in State and Nation to whom are intrusted the conduct of public affairs. The tendency is widespread to criticize such officials, often unjustly, but investigation will frequently reveal that such criticisms are made by persons who fail to exercise their voting franchise either by absenting themselves from the polls or by failing to qualify, by registration or otherwise, so that they may have a voice and a vote in selecting their local, State, or National representatives.

Failure to vote is regrettable and unpardonable and places a citizen in the position where his wails and complaints should have little force and should be received with scant sympathy. He, by his own example, brings about a condition which is sadly to be deplored.

Many States have laws providing for registration. They differ as to the period, but most of them permit registration up to a time reasonably close to the date of election. In Rhode Island, however, the registration books close on June 30, and those who do not register before that date are deprived of the opportunity of voting in the succeeding fall elections. Regardless of party, it is the duty of all good citizens to qualify by registration so that they may participate in choosing their public officials.

No one who does not exercise the privilege of the franchise has any moral right to criticize the selection of candidates and officials by those who take enough interest in the affairs of their Government to participate in the selection of such officials. If incompetent or dishonest men are elected to office, it is largely by reason of such dereliction.

RELIEF OF CERTAIN COUNTIES IN OREGON AND WASHINGTON

The SPEAKER. The Clerk will read the bill (H. R. 11329) for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located.

The bill was read the third time.

Mr. CRAMTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Michigan offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. CRAMTON moves to recommit the bill to the Committee on Public Lands with instructions to amend the same by substituting therefor the following bill, and to forthwith report said bill so amended back to the House:

"A bill for the relief of certain counties in the States of Oregon and Washington within whose boundaries the revested Oregon & California Railroad Co. grant lands are located

"Be it enacted, etc., That the Treasurer of the United States, upon the order of the Secretary of the Interior, shall pay to the several counties in the States of Oregon and Washington, out of any money in the Treasury not otherwise appropriated, amounts of money equal to the taxes that would have accrued against said lands for the years 1917 to 1925, inclusive, if the lands had remained privately owned and taxable.

"Such amounts shall be ascertained by using the assessed value for the year 1916, used by the Secretary of the Interior in arriving at the accrued taxes for 1916 and the rate of taxes prevailing for the several

purposes in each county, school district, or port district for each of such years.

"SEC. 2. The Secretary of the Interior shall ascertain as soon as may be after the approval of this act the rate of taxation so prevailing, compute the amount to be paid each county for each of such years, and issue an order therefor upon the Treasurer of the United States.

"In computing the amounts so to be paid the Secretary of the Interior shall include all Oregon & California land-grant lands title to which remains in the United States on the 1st day of May of each year.

"SEC. 3. On or before the 1st day of October of each year after 1930 the Secretary of the Treasury, upon the order of the Secretary of the Interior, shall pay to the several counties amounts of money equal to the taxes upon said lands within such counties, to be ascertained, computed, and reported in the same manner as for the preceding years, until all charges against said 'Oregon & California land-grant fund' shall have been liquidated and the said fund shows a credit balance as available for distribution under section 10 of the act approved June 9, 1916.

"SEC. 4. All moneys paid under the terms of this act shall be charged against the said 'Oregon & California land-grant fund,' and all proceeds received from the sale of lands, timber, or otherwise shall be placed to the credit of such fund until all sums charged against such fund are fully and completely liquidated, and until the United States has been so fully reimbursed no distribution shall be made as provided in section 10 of the said act approved June 9, 1916.

"SEC. 5. All moneys paid and received under the provisions of this act by any county shall be prorated, apportioned, and paid to the State, county, port districts, school districts, or road districts in the same proportion as the taxes assessed, levied, and collected by the county for the year covered by such payment are apportioned and paid, to the State, county, and each such civil subdivision will receive the same amount as though the money had been paid by a taxpayer for each year."

Mr. SINNOTT, Mr. LAGUARDIA, and Mr. CHINDBLOM rose.

Mr. CHINDBLOM. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. LAGUARDIA. Mr. Speaker, as a member of the committee, I desire recognition in opposition to the motion to recommit.

Mr. SINNOTT. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] moves the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 128, noes 35.

Mr. CRAMTON. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Michigan demands tellers. As many as are in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Thirty-eight Members have risen, not a sufficient number, and tellers are refused.

So the previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

Mr. CRAMTON. Mr. Speaker, I move to reconsider the vote by which the bill was passed.

Mr. SINNOTT. Mr. Speaker, I move to lay that motion on the table.

Mr. CRAMTON. Mr. Speaker, referring to the right of a Member to move to reconsider—

Mr. MADDEN. Mr. Speaker, is the motion debatable?

Mr. CRAMTON. I thought it might be in order to cite the rule.

The SPEAKER. The question is on the motion of the gentleman from Oregon to lay the motion of the gentleman from Michigan on the table.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 162 ayes and 38 noes.

Mr. SCHAFER. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point that no quorum is present. The Chair will count. [After counting.] Two hundred Members present, not a quorum.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

Mr. CRAMTON. And on that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 45, nays 271, answered "present" 1, not voting 114, as follows:

[Roll No. 105]

YEAS—45

Beck
Begg
Berger
Brand, Ohio
Browne
Burton
Carpenter
Chalmers
Clague
Cooper, Ohio
Cramton
Fitzgerald, W. T.

Hardy
Hooper
Howard
Huddleston
Hudson
James
Jenkins
Johnson, S. Dak.
Kearns
Ketcham
Lampert
McLaughlin, Mich.

McLeod
Mead
Michener
Mooney
Moore, Ohio
Nelson, Wis.
Parks
Reed, N. Y.
Schafer
Schneider
Scott
Sears, Nebr.

NAYS—271

Abernethy
Ackerman
Adkins
Allen
Allgood
Almon
Andrew
Arentz
Arnold
Aswell
Auf der Heide
Ayres
Bacharach
Bachmann
Bailey
Barbour
Beedy
Bell
Bixler
Black, Tex.
Bland
Blanton
Bloom
Boies
Bowles
Bowman
Box
Boylan
Brand, Ga.
Briggs
Brigham
Britten
Browning
Burdick
Busby
Butler
Byrns
Canfield
Cannon
Carew
Carss
Carter, Calif.
Carter, Okla.
Chapman
Chindblom
Christopherson
Cole
Collier
Collins
Colton
Connally, Tex.
Connelly
Connelly, Pa.
Coyle
Crisp
Cresser
Crowther
Cullen
Curry
Davis
Deal
Dempsey
Dickinson, Iowa
Dickstein
Dominick
Doughton
Douglass

Dowell
Doyle
Drewry
Driver
Edwards
Elliott
Ellis
Eslick
Esterly
Evans
Fairchild
Faust
Fenn
Fisher
Fletcher
Fort
Foss
Freeman
French
Frothingham
Fulmer
Funk
Garbrill
Garrett, Tex.
Gasque
Gibson
Gifford
Gilbert
Glynn
Goldsborough
Goodwin
Gorman
Green, Fla.
Griest
Griffin
Hadley
Hale
Hall, Ind.
Hammer
Harrison
Hastings
Hawes
Hawley
Hayden
Hersey
Hickey
Hill, Md.
Hill, Wash.
Hoch
Hogg
Holaday
Houston
Hudspeth
Hull, Morton D.
Hull, William E.
Irwin
Jacobstein
Johnson, Ind.
Johnson, Tex.
Johnson, Wash.
Jones
Kahn
Keller
Kemp
Kerr
Klefner
Kless
Kindred

King
Kopp
Kunz
Kurtz
Kvale
LaGuardia
Lanham
Lankford
Larsen
Lazaro
Leatherwood
Leavitt
Lehbach
Letts
Lindsay
Little
Lowrey
Lozier
Lyon
McClintic
McDuffie
McKeown
McMillan
McReynolds
McSweeney
MacGregor
Madden
Magee, N. Y.
Magrady
Major
Manlove
Mansfield
Mapes
Martin, La.
Martin, Mass.
Menges
Merritt
Michaelson
Miller
Milligan
Montague
Montgomery
Moore, Ky.
Moore, Va.
Morehead
Morrow
Nelson, Mo.
Newton, Minn.
Newton, Mo.
Norton
O'Connell, N. Y.
O'Connell, R. I.
O'Connor, La.
Oldfield
Oliver, Ala.
Oliver, N. Y.
Parker
Peery
Perlman
Prall
Pratt
Purnell
Quayle
Quinn
Ragon
Rainey
Ramseyer
Rankin

Ransley
Rathbone
Rayburn
Reed, Ark.
Reid, Ill.
Robinson, Iowa
Rogers
Romjue
Rowbottom
Rubey
Rutherford
Sabath
Sanders, Tex.
Sandlin
Seger
Shallenberger
Simmons
Sinnott
Somers, N. Y.
Speaks
Sparring
Sprout, Ill.
Stedman
Stevenson
Stobbs
Strong, Kans.
Strong, Pa.
Swank
Swing
Taber
Taylor, Colo.
Taylor, N. J.
Temple
Thomas
Thurston
Tillman
Tilson
Timberlake
Tinker
Tinkham
Tolley
Underhill
Underwood
Updike
Upshaw
Valle
Vestal
Vinson, Ga.
Vinson, Ky.
Warren
Wason
Watres
Watson
Wefald
Weller
Wheeler
White, Kans.
White, Me.
Whitehead
Whittington
Wilson, La.
Wingo
Winter
Wolverton
Wood
Wright
Wurzbach
Wyant

ANSWERED "PRESENT"—1

Treadway

NOT VOTING—114

Aldrich
Andresen
Anthony
Appleby
Bacon
Bankhead
Barkley
Beers
Black, N. Y.
Bowling
Brumm
Buchanan
Bulwinkle
Burtess
Campbell
Celler
Cleary
Cooper, Wis.
Corning
Cox
Crumppacker
Darrow
Davenport

Davey
Denison
Dickinson, Mo.
Drane
Dyer
Eaton
Fish
Fitzgerald, Roy G.
Flaherty
Fear
Fredericks
Free
Fuller
Furlow
Gallivan
Garber
Gardner, Ind.
Garner, Tex.
Garrett, Tenn.
Golder
Graham
Green, Iowa
Greenwood

Hall, N. Dak.
Hare
Haugen
Hill, Ala.
Hull, Tenn.
Jeffers
Johnson, Ill.
Johnson, Ky.
Kelly
Kendall
Kincheloe
Kirk
Knutson
Lea, Calif.
Lee, Ga.
Lineberger
Linthicum
Luce
McFadden
McLaughlin, Nebr.
McSwain
Mages, Pa.
Mills

Morgan
Morin
Murphy
Nelson, Me.
O'Connor, N. Y.
Patterson
Peavey
Perkins
Phillips
Porter
Pou
Reece
Robison, Ky.
Rouse
Sanders, N. Y.
Sears, Fla.
Shreve
Sinclair
Smith
Smithwick
Snell
Stalker
Stegall

Stephens
Sullivan
Sumners, Tex.
Swartz
Sweet
Swoope

Taylor, Tenn.
Taylor, W. Va.
Thatcher
Tucker
Tydings
Vare

Wainwright
Walters
Weaver
Welsh
Williams, Ill.
Williams, Tex.

Wilson, Miss.
Woodrum
Yates
Zihlman

So the motion to adjourn was refused.

The following additional pairs were announced:
Additional general pairs:

Mr. Graham with Mr. Bulwinkle.
Mr. Stalker with Mr. Tucker.
Mr. Sanders of New York with Mr. Williams of Texas.
Mr. Anthony with Mr. Sears of Florida.
Mr. Walters with Mr. Corning.
Mr. Greene of Iowa with Mr. Celler.
Mr. Mills with Mr. Pou.
Mr. Garber of Oklahoma with Mr. McSwain.
Mr. Wainwright with Mr. Lea of California.
Mr. Stephens with Mr. Dickinson of Missouri.
Mr. Burtess with Mr. Tydings.
Mr. Free with Mr. Wilson of Mississippi.
Mr. Shreve with Mr. Jeffers.
Mr. Johnson of Illinois with Mr. Kincheloe.
Mr. Porter with Mr. Woodrum.
Mr. Snell with Mr. O'Connor of New York.

The result of the vote was announced as above recorded.

Mr. CHINDBLOM. Mr. Speaker, I beg to submit that the question recurs on a vote on the passage of the bill.

Mr. CRAMTON. I make the point of order that the business in order now is a call of the roll on the passage of the bill. The situation is this: There was a division of the House and the gentleman from Wisconsin objected on the ground that there was not a quorum present.

Mr. SINNOTT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SINNOTT. When the point of no quorum was made my motion was before the House to lay the motion of the gentleman from Michigan to reconsider on the table. The gentleman from Michigan moved to reconsider the vote by which the bill was passed and I moved to lay that motion on the table.

Mr. CRAMTON. The gentleman is correct. The question is on the motion of the gentleman from Oregon to lay my motion on the table. The only point I am reaching is that there is a roll call pending on that.

The SPEAKER. The question is on the motion of the gentleman from Oregon to lay the motion of the gentleman from Michigan to reconsider on the table, upon which there is an automatic call.

Mr. CHINDBLOM. Will the Chair hear me on that?

The SPEAKER. The Chair will hear the gentleman.

Mr. CHINDBLOM. The situation is this: A vote was had on the motion to lay the motion to reconsider on the table. To that objection was made on the ground that there was no quorum present. The Chair counted and found that there was no quorum present, but immediately a motion was made to adjourn, and upon the motion to adjourn a quorum was developed. Therefore the objection to the vote that was taken on another question becomes null.

Mr. CRAMTON. The gentleman overlooks the fact that it was announced that there was no quorum present, and when that announcement was made there came as a matter of course an automatic call of the House.

The SPEAKER. The Chair does not think that the development of a quorum on a subsequent vote would avoid a call of the House.

Mr. CHINDBLOM. If there are precedents to that effect, I will desist.

Mr. CRAMTON. The rule is this:

Whenever a quorum fails to vote on any question, and a quorum is not present, and objection is made for that cause, unless the House shall adjourn there shall be a call of the House, and the Sergeant at Arms shall forthwith proceed to bring in absent Members, and the yeas and nays on the pending question shall at the same time be considered as ordered.

The House decided not to adjourn, and on that call it happened that a quorum was present, but that did not do away with the order for the roll call on the pending question.

Mr. CHINDBLOM. If the Chair's mind is satisfied, I shall not take the time now, but I think there is room for debate.

The SPEAKER. The question is on the motion of the gentleman from Oregon to lay the motion to reconsider on the table. A quorum not having developed at that time, the automatic call must be had.

The question was taken; and there were—yeas 285, nays 33, answered "present" 2, not voting 111, as follows:

[Roll No. 106]

YEAS—285

Abernethy
Ackerman
Adkins

Allgood
Almon
Andresen

Andrew
Arentz
Arnold

Auf der Heide
Ayres
Bacharach

Bachmann	Evans	Leavitt	Rowbottom
Bailey	Fairchild	Lehlbach	Rubey
Barbour	Faust	Letts	Rutherford
Beedy	Fenn	Lindsay	Sabath
Bell	Fisher	Little	Sanders, Tex.
Black, Tex.	Fitzgerald, Roy G.	Lowrey	Sandlin
Bland	Fitzgerald, W. T.	Lozier	Scars, Nebr.
Blanton	Fort	Lyon	Seger
Bloom	Foss	McClintic	Shallenberger
Boies	Freeman	McDuffie	Shreve
Bowles	French	McFadden	Simmons
Bowman	Frothingham	McKeown	Sinnott
Box	Fulmer	McLaughlin, Nebr.	Snell
Boylan	Furlow	McMillan	Somers, N. Y.
Brand, Ga.	Gambrill	McReynolds	Speaks
Brand, Ohio	Garrett, Tex.	McSwain	Sparing
Briggs	Gasque	McSweeney	Sproul, Ill.
Brigham	Gibson	MacGregor	Sproul, Kans.
Britten	Gifford	Madden	Stedman
Browne	Gilbert	Magee, N. Y.	Stevenson
Browning	Glynn	Major	Stobbs
Burdick	Goldsborough	Manlove	Strong, Kans.
Burton	Gorman	Mansfield	Strong, Pa.
Butler	Green, Fla.	Martin, La.	Strother
Byrns	Griest	Martin, Mass.	Summers, Wash.
Canfield	Hadley	Mead	Summers, Tex.
Cannon	Hale	Menges	Swank
Carew	Hall, Ind.	Michaelson	Swing
Carpenter	Hammer	Michener	Taber
Carss	Hardy	Miller	Taylor, Colo.
Carter, Calif.	Hastings	Milligan	Taylor, N. J.
Carter, Okla.	Hawes	Montague	Temple
Chapman	Hawley	Montgomery	Thomas
Chindblom	Hayden	Mooney	Thurston
Christopherson	Hersey	Moore, Ky.	Tillman
Clague	Hickey	Moore, Ohio	Tilson
Cole	Hill, Wash.	Moore, Va.	Timberlake
Collier	Hoch	Morehead	Tinkham
Collins	Hogg	Morgan	Tolley
Colton	Holaday	Morrow	Underhill
Connally, Tex.	Houston	Murphy	Underwood
Conner	Howard	Nelson, Mo.	Udike
Connolly, Pa.	Hudspeth	Newton, Mo.	Upshaw
Cooper, Ohio	Hull, Morton D.	Norton	Vaile
Coyle	Irwin	O'Connell, N. Y.	Vestal
Crisp	Jacobstein	O'Connell, R. I.	Vinson, Ga.
Crosser	Jeffers	O'Connor, La.	Vinson, Ky.
Crowthier	Johnson, Ind.	O'Connor, N. Y.	Warren
Crumpacker	Johnson, Wash.	Oldfield	Wason
Cullen	Jones	Oliver, N. Y.	Watres
Curry	Kahn	Parker	Watson
Davenport	Kearns	Parks	Wefald
Davis	Keller	Peery	Weller
Deal	Kemp	Perlman	Wheeler
Dempsey	Kerr	Pratt	White, Kans.
Dickinson, Iowa	Kiefner	Purnell	White, Me.
Dickinson, Mo.	Kless	Quayle	Whitehead
Dickstein	Kincheloe	Quin	Whittington
Dominick	Kindred	Ragon	Williams, Ill.
Doughton	Kopp	Ramseyer	Williamson
Douglass	Kunz	Rankin	Wilson, La.
Dowell	Kvale	Ransley	Winter
Doyle	LaGuardia	Rathbone	Wolverton
Drewry	Lanham	Rayburn	Wood
Driver	Lankford	Reed, Ark.	Wright
Edwards	Larsen	Reid, Ill.	Wyant
Elliott	Lazaro	Robinson, Iowa	
Ellis	Lea, Calif.	Rogers	
Eslick	Leatherwood	Romjue	

NAYS—33

Beck	Huddleston	McLaughlin, Mich.	Scott
Begg	Hudson	McLeod	Sosnowski
Berger	James	Magrady	Thompson
Burness	Jenkins	Mapes	Vincent, Mich.
Chalmers	Johnson, S. Dak.	Merritt	Volgt
Cramton	Ketcham	Nelson, Wis.	Woodruff
Fletcher	King	Rainey	
Frear	Kurtz	Schafer	
Hooper	Lampert	Schneider	

ANSWERED "PRESENT"—2

Griffin	Treadway
NOT VOTING—111	

Aldrich	Esterly	Kelly	Smith
Allen	Fish	Kendall	Smithwick
Anthony	Flaherty	Kirk	Stalker
Appleby	Fredericks	Knutson	Steagall
Aswell	Free	Lee, Ga.	Stephens
Bacon	Fuller	Lineberger	Sullivan
Bankhead	Funk	Linthicum	Swartz
Barkley	Gallivan	Luce	Sweet
Beers	Garber	Magee, Pa.	Swoope
Bixler	Gardner, Ind.	Mills	Taylor, Tenn.
Black, N. Y.	Garner, Tex.	Morin	Taylor, W. Va.
Bowling	Garrett, Tenn.	Nelson, Me.	Thatcher
Brumm	Golder	Newton, Minn.	Tincher
Buchanan	Goodwin	Oliver, Ala.	Tucker
Bulwinkle	Graham	Patterson	Tydings
Busby	Green, Iowa	Peavey	Vare
Campbell	Greenwood	Perkins	Wainwright
Celler	Halt, N. Dak.	Phillips	Walters
Cleary	Hare	Porter	Weaver
Cooper, Wis.	Harrison	Pou	Welsh
Corning	Haugen	Prall	Williams, Tex.
Cox	Hill, Ala.	Reece	Wilson, Miss.
Darrow	Hill, Md.	Reed, N. Y.	Wingo
Davey	Hull, Tenn.	Robison, Ky.	Woodrum
Denison	Hull, William E.	Rouse	Wurzbach
Drane	Johnson, Ill.	Sanders, N. Y.	Yates
Dyer	Johnson, Ky.	Sears, Fla.	Zihlman
Eaton	Johnson, Tex.	Sinclair	

So the motion to lay the motion to reconsider on the table was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Kendall with Mr. Barkley.
Mr. Patterson with Mr. Black of New York.
Mr. Flaherty with Mr. Tydings.
Mr. Beers with Mr. Aswell.
Mr. Haugen with Mr. Prall.
Mr. Knutson with Mr. Harrison.
Mr. Cooper of Wisconsin with Mr. Johnson of Texas.
Mr. Stephens with Mr. Busby.
Mr. Wainwright with Mr. Davis.
Mr. Dyer with Mr. Oliver of Alabama.
Mr. Fredericks with Mr. Wingo.

The result of the vote was announced as above recorded.

CARL BRONNER

Mr. COYLE. Mr. Speaker, I ask unanimous consent that the gentlewoman from Massachusetts [Mrs. ROGERS] be permitted to address the House for five minutes with reference to a most distinguished veteran of the World War at the moment present in the gallery.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentlewoman from Massachusetts [Mrs. ROGERS] may address the House for five minutes. Is there objection?

There was no objection.

Mrs. ROGERS. Mr. Speaker and gentlemen of the House, there is in the gallery a World War veteran, Mr. Carl Bronner, who is a constituent of our distinguished Speaker. [Applause.] Carl Bronner can not see us because he lost both of his eyes. He not only gave his eyes for us but he gave both hands. As if that were not enough for him to suffer, last year he had sleeping sickness for three months. In spite of all that he graduates in June from the University of Maryland as a lawyer. [Applause.]

When he was discharged from the service he had only a seventh-grade education, so we can realize what this boy has accomplished. One can imagine the pride of his mother, who is now sitting beside him. [Applause.] I do not believe any human being in the world has accomplished more for us than has this boy. The other day I told him I thought he had had a hard time. He said, No; that the Government had done so much for him; that it had taught him to read and taught him to write. He uses a typewriter and I have never found a mistake in one of his letters. He also said the Government gave him an instructor with no hands in order that he might learn to use his hands.

I think there is nothing that we can do or say to show our deep gratitude to this boy, who is carrying on under terrible handicaps with a courage that beggars description; there is no mark of respect or of love too great to pay him. [Applause.] I am extremely grateful to him, and I know, Mr. Speaker, what pride you have in your constituent. [Applause.]

JEFFERSON DAVIS

Mr. KINCHELOE. Mr. Speaker, in view of the fact that to-day is the anniversary of the birthday of Jefferson Davis, who was born in Kentucky, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech made by my colleague, Mr. CHAPMAN, at Paris, Ky., on the life of Jefferson Davis.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD by printing therein the speech made by his colleague. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Speaker and gentlemen of the House, under leave this day granted me to extend my remarks in the RECORD by printing a speech delivered at Paris, Ky., by my colleague, Mr. CHAPMAN, and to-day being the birthday of Jefferson Davis, who was born in Kentucky, it is with pleasure that I insert the same, as follows:

SPEECH OF HON. VIRGIL CHAPMAN, DELIVERED AT CONFEDERATE MEMORIAL SERVICE AT PARIS, KY.

Sunshine and shower have wrapped the billowy greensward with a mantle of living verdure. Hill and vale are robed in exquisite bloom. The feathered minstrels of nature fill the woodlands with sweetest song. The balmy zephyrs of the Southland bear on their wings the perfume exhaled by summer flowers. The magic pencil of the sunshine paints a bow upon the flying rain clouds. The sun from its cornucopia of gold pours myriad gems into the flowery lap of June.

The blue grass grows and the roses are entwined upon the graves of heroes sleeping the eternal sleep. To-day we come to this bivouac of the dead to bow at memory's holy shrine, with uncovered heads, and gaze through mists of unshed tears at with loving hearts and ready hands we strew flowers on the mounds in which rest the sacred

ashes of our deathless dead. The Southland, from the Ohio River to the glittering waters of the Gulf, is billowed with the graves of those who fought for a forlorn hope, wore the faded gray, and followed the tattered battle flag of Dixie until the star of hope sank behind clouds of despair and the old conquered banner went down in a pall of gloom at Appomattox, the Calvary of southern glory.

"Nor wreck, nor change, nor winter's blight,
Nor time's remorseless doom,
Can dim one ray of glory's light
That gilds their deathless tomb."

TRIBUTE TO DAVIS

Not only is this Confederate Memorial Day but it is also the anniversary of the natal day of the great civilian chieftain of the South, the only president of the Confederacy—Jefferson Davis. No other day would be so appropriate for this service. Consider his life and character. The episodes of his career pass in panorama before us.

We see him as the young cavalier returning from his father's plantation in Mississippi to Transylvania University in his native State. We see him graduate from West Point and become the magnanimous captor of Chief Black Hawk. We see him like an archangel of war leading his Mississippi Rifles at Buena Vista, wringing victory from defeat and glorifying American arms. We see him representing his proud southern constituency in the National House of Representatives; then we see him adorning the Federal Senate as a contemporary of Webster and Clay, Benton and Calhoun, and I declare to you that, as I read history, I believe that as a statesman, a debater, and a man of honor and character, Jefferson Davis was the peer of any of the four. We see him gracing the Cabinet of Franklin Pierce as Secretary of War.

When the storm clouds gather and the lightning of fratricidal strife flashes from every hilltop we see him as the tall, uncrowned leader of the South standing four square while the tempest rages around him. "His civic laurels will not yield in splendor to the brightest chaplet that ever bloomed upon a warrior's brow." Then when all except love and honor is lost we see him in irons confined in a casemate at Fortress Monroe, his proud spirit unconquered and unconquerable, preferring to endure chains and indignity rather than sacrifice principle and honor.

A few years ago it was my privilege to speak at the base of a giant obelisk at Fairview, Ky., on the spot where Jefferson Davis was born. It is being erected by the loving hands of the people of the South; when completed it will be second in height only to the monument in the Nation's Capital dedicated to the memory of the Father of Our Country, and as stone is added to stone it will tower skyward until it seems to beckon the clouds to alight and rest upon its summit.

PROUD OF SOUTHERN BLOOD

Of all the heritages that have come down to us from the past, to me the proudest heritage is that every drop of blood in my body is Southern blood. We feel infinite pride in the matchless heroism and deathless valor of those who wore the gray and fought for the Stars and Bars; and the annals of the human race contain no record of a braver, more intrepid soldiery.

One of my blood enlisted in the Confederate Army in 1861 and fought under the Starry Cross of the South on many a field of carnage and of death. While battling as a member of the "Orphan Brigade" he was mortally wounded, and as his crimson life drops bedewed the plain of Baton Rouge, he died, as the true Kentuckian always dies, facing his enemy.

"And blood that poured from his hero heart
On the spot where he nobly perished
Was drunk by the earth as a sacrament
In the holy cause he cherished."

FOUGHT FOR PRINCIPLES

We make no apology for the South. No apology is needed. I need not tell you that the institution of slavery was introduced in this country by the North, that the North flouted a decision of the United States Supreme Court and that nullification and secession—widely differing, though often confounded—had their genesis on the rock-bound coast of New England and not on the sunny fields of the South.

You did not fight for chattel slavery, but you fought for the eternal principle of State sovereignty and local self-government. The strife of the sixties was not a rebellion; you were not rebels. It was a war between the States, a war over an idea, a war about a question of constitutional interpretation. No honest man has ever questioned that you fought for the right as you conceived it. You were overpowered and overwhelmed by irresistible force and inexhaustible resources, but to the end you were undaunted and unconquered, and you are undaunted and unconquered yet, proud in defeat, covered with honor, and crowned with a halo of glory.

Jefferson Davis and John C. Breckinridge stood for the fundamental principles on which this Nation was founded, the principles enunciated by the Sage of Monticello and crystallized in the Constitution by James Madison. And if this Republic is to live and be perpetuated as a blessing to countless generations yet unborn, if it is to

fulfill its destiny and escape the fate of those nations whose wrecks litter the pages of history, that salvation must be achieved by adherence to the principles for which you offered your lives in the bloom of young manhood—the principles of the fathers of this Republic. Our Government must be preserved as an "indissoluble Union of indestructible States."

OLD CONQUERED BANNER

A few days ago at Louisville, Ky., after Confederate veterans had been invited to participate in a memorial service, some man refused them the priceless privilege of carrying their old flag in the parade. I am ashamed that such a thing could happen in Kentucky. Where is the man whose mind is so wrapped in bigotry, whose heart is so warped with prejudice, whose soul is so shriveled with intolerance, that he would criticize and revile these grizzled veterans of the sixties if once a year, on Memorial Day, they unfurl that old conquered banner, kiss its folds, and press it to their throbbing bosoms? That objection at Louisville was not made in the spirit of magnanimity which brooded over the last hours of the martyr Lincoln, the spirit in which the soldier, Grant, clasped in warm, friendly grasp the hand of the soldier, Lee, the spirit in which Horace Greeley signed the ball bond of Jefferson Davis, and the spirit manifested in a thousand ways by members of the Grand Army of the Republic and the United Confederate Veterans.

These veterans are as loyal citizens of the Republic as ever stood on freedom's soil, and their sons and grandsons are as brave soldiers of the Republic as ever fought under freedom's banner. They sent those boys across the sea, and their blood, poured out in a gushing torrent on Flanders' fields, made richer and redder the crimson stripes in Old Glory's folds. These soldiers of the South clasped hands across the breach of years with soldiers of the North, poured balm on the wounds and covered with tears the scars of war, as they joined in the sublime sentiment—

"Here's to the blue of the wind-swept North;
When they meet on the fields of France
May the spirit of Grant be with them all
As the sons of the North advance.

"Here's to the gray of sun-kissed South;
When they meet on the fields of France
May the spirit of Lee be with them all
As the sons of the South advance.

"Here's to the blue and the gray as one;
When they meet on the fields of France
May the spirit of God be with them all
As the sons of the flag advance."

After all this it is inconceivable that any American would execrate or vilify these knightly sons of the old South if they unfurl this old battle flag, baptized in southern heroes' blood, consecrated with southern heroines' tears, this old tattered flag of southern valor and southern glory. In the words of Isaiah, "Woe is me!"

FLAG OF THE UNION

In my library is a medallion of George Washington, and above it are draped the silken folds of the Stars and Stripes. By its side is a medallion of that other great Virginian, the greatest soldier that ever spoke the English language, the greatest military captain that ever sheathed a stainless sword, the knightly, valiant, noble, dauntless, peerless Robert Edward Lee. Above his portrait hangs the starry cross of Dixie. Every day I go into that room and look at those pictures and those flags, and I return thanks to the God of Battles that those men were Americans and southerners and that this Union was preserved.

"The union of lakes, the union of lands,
The Union of States, none can sever;
The union of hearts, the union of hands,
And the flag of the Union forever."

THE WOMEN OF THE SOUTH

To you, the Daughters of the Confederacy, we commit the sacred trust of preserving the precious records of the War between the States and embalming in memory for your children and your children's children the glorious heritage that is theirs. You are the daughters and granddaughters of the noble women who kept the home fires burning while their husbands, fathers, brothers, and sons offered their lives as a sacrifice on the altar of the South. The heroic, devoted mother of the South, from 1861 to 1865, enduring privation and suffering through months of lonely waiting, surrounded by her household gods, nightly gathered her children at her knee and prayed to the Lord of Hosts to protect the home and preserve the life of the husband and father in the bivouac and on the field of battle.

Dr. Joseph Desha Pickett, of the old Transylvania University, at Lexington, Ky., was visiting once in England. A lady asked him: "Doctor Pickett, why is it that you are so polite since in your country there is no queen?" The courtly old gentleman bowed and said: "Madam, in England you have one queen; in my land every good woman is a queen." Those matchless heroines of the South were all—

God bless their precious memory—and so are you all, their daughters—
God bless you—uncrowned Southern queens!

It is you, Daughters of the Confederacy, who must treasure up those memories and transmit them to the children of this generation, and tell them of the valorous deeds of Southern heroes, and teach them those dear old Southern songs. While you are the daughters of the Old South you are the mothers of the New South. Your son will be the hero of the future. At your knee he learns first to lisp childhood's holy prayer, "Now I lay me down to sleep; I pray Thee, Lord, my soul to keep. If I should die before I wake, I pray Thee, Lord, my soul to take." You teach him the long list of heroes' names—Lee, Jackson, Morgan, Stuart, Forrest, Albert Sidney Johnston, and all the rest of those "dead but sceptered sovereigns who still rule our spirits from their urns." He learns from you the thrilling story of the heroic deeds of dauntless men. You teach him the high, clear call of duty, summoning him to dedicate himself to his country, to consecrate his life to service of the Prince of Peace. You are the guidon of his lance. You set the golden lamps before his soul, that make it easy for him to "die to shape the world to the splendor of his heart's desire."

"If I were hung on highest hill,
Mother o' mine, O mother o' mine!
I know that your love would follow still,
Mother o' mine, O mother o' mine!"

"If I were drown'd in deepest sea,
Mother o' mine, O mother o' mine!
I know that your tears would come down to me
Mother o' mine, O mother o' mine!"

"If I were lost of body and soul,
Mother o' mine, O mother o' mine!
I know that your prayers would make me whole,
Mother o' mine, O mother o' mine!"

BENEDICTION TO SOLDIERS

Soldiers of the South we love, as we gaze upon your thin gray line, fast melting into blue and mingling with the skies, our prayer is that as the shadows of evening gather around you, and the last ray of the setting sun plays like a golden nimbus upon your venerable heads covered with the snows of more than 80 winters, the One who said, "Peace, be still," to the troubled waves of Galilee may breathe a blessing upon the twilight of your lives, and beckon you to unending repose where fadeless roses bloom in heaven's eternal sunshine.

"A solemn murmur in the soul,
Tells of a world to be,
As travelers hear the billows roll,
Before they reach the sea."

We, the children of the old South, the South of hallowed history, glorious tradition, and precious memories, must be the prophets of the new South, the South—

"* * * Whose gaze is cast not only on the past,
But whose bright eyes the skies of promise sweep,
Whose feet in paths of progress swiftly leap,
And whose fresh thoughts like cheerful rivers run,
Through odorous ways to meet the morning sun."

WASHAKIE NATIONAL FOREST, WYO.

The SPEAKER. The Clerk will read the bill (H. R. 11066) to add certain public lands to the Washakie National Forest, Wyo.

The Clerk read the bill the third time.

Mr. CRAMTON. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.
The Clerk read as follows:

Mr. CRAMTON moves to recommit the bill to the Committee on the Public Lands with instructions to amend the same by substituting therefor the following bill, and to forthwith report said bill so amended back to the House:

"Be it enacted, etc., That the following-described public lands be, and the same are hereby, added to and made a part of the Washakie National Forest, Wyo., and are to be hereafter administered under the laws and regulations relating to the national forests: Township 43 north, range 108 west, sixth principal meridian; west half section 5; west half, west half northeast quarter, southeast quarter section 8; all of section 17; all of section 20; west half, west half northeast quarter, west half southeast quarter, northeast quarter southeast quarter section 21; north half northeast quarter, south half southeast quarter section 24; north half northwest quarter, northwest quarter northeast quarter, northwest quarter southwest quarter section 28; north half, north half southwest quarter, north half southeast quarter section 29. Township 43 north, range 109 west, sixth principal meridian; south half, southeast quarter northwest quarter section 35; northeast quarter northeast quarter, northeast quarter southeast quarter, south half southeast quarter, southwest quarter section 36: *Provided*, That the inclusion of any of the aforesaid land in the Washakie National Forest

shall not affect adversely any valid application or entry pending at the date of the approval of this act."

Mr. SINNOTT. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on the motion of the gentleman from Oregon on ordering the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 210, noes 38.

So the previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 32, noes 168.

Mr. CRAMTON. Mr. Speaker, I object to the vote upon the ground that there is not a quorum present.

The SPEAKER. The Chair counted within a very few minutes and there were then present 248 Members. The Chair will again count if the gentleman insists.

Mr. CRAMTON. Mr. Speaker, I shall not insist beyond this. If the Chair is satisfied that there is a quorum present, I shall not press the matter.

The SPEAKER. The Chair counted 248 Members within two or three minutes, and is convinced that no large number has left the room.

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 232, noes 40.

So the bill was passed.

Mr. CRAMTON. Mr. Speaker, I move to reconsider the vote by which the bill was passed.

Mr. SINNOTT. Mr. Speaker, and I move to lay that motion on the table.

The SPEAKER. The question is on the motion of the gentleman from Oregon to lay on the table the motion to reconsider the vote by which the bill was passed.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 233, noes 42.

Mr. CRAMTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Michigan demands the yeas and nays. As many as are in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Forty-two Members have risen, not a sufficient number.

Mr. DEMPSEY. Mr. Speaker—

Mr. CRAMTON. Mr. Speaker, I ask for tellers on the demand for the yeas and nays.

The SPEAKER. Forty-two gentlemen have arisen, not a sufficient number, and tellers are refused.

So the motion to lay on the table the motion to reconsider the vote by which the bill was passed was agreed to.

RIVERS AND HARBORS

Mr. DEMPSEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616.

The question was taken.

The SPEAKER. In the opinion of the Chair the yeas have it—

Mr. CRAMTON. Mr. Speaker, a division.

The House divided; and there were—ayes 230, noes 55.

Mr. CRAMTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Michigan asks for the yeas and nays. Forty-four gentlemen have arisen, not a sufficient number.

Mr. CRAMTON. Mr. Speaker, I ask for tellers on the demand for the yeas and nays.

The SPEAKER. Forty-eight gentlemen have arisen, a sufficient number, and tellers are ordered. The gentleman from Michigan and the gentleman from New York will take their places as tellers.

Mr. McDUFFIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McDUFFIE. What is this question of tellers on?

The SPEAKER. The gentleman from Michigan demands tellers on the demand for the yeas and nays.

Mr. McDUFFIE. Mr. Speaker, I submit—

Mr. CRAMTON. Mr. Speaker, I make the point of order that no debate is in order.

Mr. McDUFFIE. Mr. Speaker, I am making a parliamentary inquiry. When the Speaker put the question to the House that those who are in favor of having the vote by "yeas and nays" would arise and not a sufficient number arose, is not the constitutional requirement met? The gentleman is now asking for tellers to determine whether or not

we shall have the yeas and nays, a question just decided by a failure of a sufficient number to rise when the Speaker put the question. If a majority of those present vote "no"—

The SPEAKER. That is for the tellers to determine. The question to be determined is whether a requisite number demand the yeas and nays.

Mr. McDUFFIE. Was not that determined when the Speaker put the question just a moment ago and a sufficient number did not arise?

The SPEAKER. That was on the original demand for tellers.

Mr. CRAMTON. Mr. Speaker, is not the situation this: If on this vote by tellers one-fifth vote in favor of a ye-and-nay vote that we have that vote?

The SPEAKER. Exactly. Those favoring the request of the gentleman from Michigan will pass through the tellers.

The House again divided; and the tellers (Mr. DEMPSEY and Mr. CRAMTON) reported that there were—ayes 48, noes 164.

The SPEAKER. Forty-eight is a sufficient number, so the yeas and nays are ordered.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. What is the vote on now?

The SPEAKER. The vote is on the question of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616.

The question was taken; and there were—yeas 257, nays 64, not voting 110, as follows:

[Roll No. 107]

YEAS—257

Abernethy	Edwards	Kless	Reid, Ill.
Ackerman	Elliott	Kincheloe	Robinson, Iowa
Adkins	Ellis	Kindred	Romjue
Allen	Eslick	King	Rowbottom
Almon	Evans	Kirk	Rubey
Andresen	Fairchild	Kopp	Rutherford
Andrew	Faust	Kunz	Sabath
Arentz	Fenn	Lanham	Sanders, Tex.
Arnold	Fisher	Lankford	Sandlin
Aswell	Fort	Lazaro	Sears, Nebr.
Auf der Heide	Foss	Lea, Calif.	Seger
Ayres	Free	Lehlbach	Shallenberger
Bacharach	Freeman	Letts	Sinnott
Bachmann	French	Lindsay	Snell
Bailey	Frothingham	Little	Somers, N. Y.
Barbour	Fulmer	Lowrey	Spearing
Bell	Funk	Lozier	Sproul, Ill.
Black, Tex.	Furlow	Lyon	Steagall
Bland	Gambrill	McClintic	Stedman
Bloom	Garrett, Tex.	McDuffie	Stevenson
Botes	Gasque	McKeown	Stobbs
Bowles	Gifford	McLaughlin, Nebr.	Strong, Kans.
Box	Gilbert	McMillan	Strong, Pa.
Boylan	Glynn	MacGregor	Swank
Brand, Ga.	Goldsborough	Madden	Taber
Briggs	Goodwin	Magee, N. Y.	Taylor, N. J.
Brigham	Gorman	Major	Taylor, Tenn.
Britten	Graham	Manlove	Thomas
Browning	Green, Fla.	Mansfield	Thurston
Burdick	Griest	Martin, La.	Tillman
Busby	Griffin	Martin, Mass.	Tilson
Butler	Hadley	Menges	Timberlake
Byrns	Hale	Michaelson	Tincher
Canfield	Hall, Ind.	Miller	Tinkham
Cannon	Hall, N. Dak.	Milligan	Tolley
Carew	Hammer	Montague	Treadway
Carss	Hardy	Moore, Ky.	Tydings
Carter, Calif.	Harrison	Moore, Va.	Underhill
Carter, Okla.	Hastings	Morehead	Updike
Chapman	Hawes	Morrow	Upshaw
Chindblom	Hawley	Nelson, Mo.	Valle
Cole	Hayden	Newton, Minn.	Vestal
Collier	Hersey	Newton, Mo.	Vinson, Ga.
Collins	Hickey	O'Connell, N. Y.	Vinson, Ky.
Colton	Hill, Md.	O'Connell, R. I.	Warren
Connally, Tex.	Hogg	O'Connor, La.	Watson
Connelly	Holaday	O'Connor, N. Y.	Weller
Connolly, Pa.	Houston	Oldfield	Wheeler
Crisp	Howard	Oliver, Ala.	White, Kans.
Crowther	Hudspeth	Oliver, N. Y.	White, Me.
Cullen	Hull, Morton D.	Parks	Whitehead
Curry	Hull, William E.	Peery	Whittington
Davenport	Irwin	Phillips	Williams, Ill.
Davis	Johnson, Ill.	Porter	Wilson, La.
Deal	Johnson, Ind.	Pratt	Winter
Dempsey	Johnson, S. Dak.	Purnell	Wolverton
Dickinson, Iowa	Johnson, Tex.	Quayle	Wood
Dickinson, Mo.	Johnson, Wash.	Quin	Wright
Doughton	Jones	Ragon	Wurzbach
Douglass	Kahn	Raney	Wyant
Dowell	Keller	Rankin	Yates
Doyle	Kemp	Ransley	
Drewry	Kendall	Rathbone	
Driver	Kerr	Rayburn	
Dyer	Kiefner	Reed, Ark.	

NAYS—64

Allgood	Begg	Burness	Cooper, Wis.
Beck	Berger	Burton	Coyle
Beedy	Brand, Ohio	Chalmers	Cramton
Beers	Browne	Cooper, Ohio	Crosser

Fitzgerald, W. T.	Ketcham	Mead	Sosnowski
Fletcher	Kurtz	Michener	Speaks
Frear	Kvale	Mooney	Summers, Wash.
Hill, Wash.	LaGuardia	Moore, Ohio	Temple
Hoch	Lampert	Morgan	Thompson
Hooper	Larsen	Murphy	Underwood
Huddleston	Leatherwood	Nelson, Wis.	Vincent, Mich.
Hudson	Leavitt	Reed, N. Y.	Voigt
Jacobstein	McLaughlin, Mich.	Schafer	Watres
James	McSweeney	Schneider	Wefald
Jenkins	Magrady	Scott	Williamson
Kearns	Mapes	Shreve	Woodruff

NOT VOTING—110

Aldrich	Drane	Luce	Smith
Anthony	Eaton	McFadden	Smithwick
Appleby	Esterly	McLeod	Sproul, Kans.
Bacon	Fish	McReynolds	Stalker
Bankhead	Fitzgerald, Roy G.	McSwain	Stephens
Barkley	Flaherty	Magee, Pa.	Strother
Bixler	Fredericks	Merritt	Sullivan
Black, N. Y.	Fuller	Mills	Summers, Tex.
Blanton	Gallivan	Montgomery	Swartz
Bowling	Garber	Morin	Sweet
Bowman	Gardner, Ind.	Nelson, Me.	Swing
Brumm	Garner, Tex.	Norton	Swoope
Buchanan	Garrett, Tenn.	Parker	Taylor, Colo.
Bulwinkle	Gibson	Patterson	Taylor, W. Va.
Campbell	Golder	Peavey	Thatcher
Carpenter	Green, Iowa	Perkins	Tucker
Celler	Greenwood	Perlman	Vare
Christopherson	Hare	Pou	Wainwright
Clague	Haugen	Prall	Walters
Cleary	Hill, Ala.	Ramseyer	Weaver
Corning	Hull, Tenn.	Reece	Welsh
Cox	Jeffers	Robison, Ky.	Williams, Tex.
Crumpacker	Johnson, Ky.	Rogers	Wilson, Miss.
Darrow	Kelly	Rouse	Wingo
Davey	Knutson	Sanders, N. Y.	Woodrum
Denison	Lee, Ga.	Sears, Fla.	Zihlman
Dickstein	Lineberger	Simmons	
Dominick	Linthicum	Sinclair	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Bowman (for) with Mr. Blanton (against).

Additional general pairs:

Mr. Crumpacker with Mr. Barkley.

Mr. Perlman with Mr. Dickstein.

Mrs. Rogers with Mrs. Norton.

Mr. Parker with Mr. Summers of Texas.

Mr. McFadden with Mr. Wilson of Mississippi.

Mr. Gibson with Mr. McReynolds.

Mr. Roy G. Fitzgerald with Mr. Linthicum.

Mr. Magee of Pennsylvania with Mr. Woodrum.

Mr. Zihlman with Mr. Taylor of Colorado.

Mr. Ramseyer with Mr. Jeffers.

Mr. Robison of Kentucky with Mr. McSwain.

Mr. Christopherson with Mr. Dominick.

Mr. Sproul of Kansas with Mr. Bulwinkle.

Mr. BLANTON. Mr. Speaker, Mr. BOWMAN, of West Virginia, and myself are paired. If he were present, he would vote "aye" and I would vote "no." I desire to have it show in the RECORD.

Mr. CONNERY. Mr. Speaker, my colleague, Mr. GALLIVAN, is unable to be present. If he were present, he would vote "aye."

Mr. HAUGEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman from Iowa present?

Mr. HAUGEN. No.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BULWINKLE, for 10 days, on account of important business.

To Mr. STEVENSON, until June 12, 1926, on account of attending Kiwanis "Internationale" at Montreal as representative of his club.

RIVERS AND HARBORS

The SPEAKER. The House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. The gentleman from New Jersey [Mr. LEHLBACH] will kindly take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11616, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The general debate on the bill has been exhausted. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following works of improvement are hereby adopted and authorized, to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans recommended in the reports hereinafter designated.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. DEMPSEY. Mr. Chairman, I make the point of order that the motion is not in order at this place.

Mr. CRAMTON. Mr. Chairman, I would like to be heard on that point of order.

The CHAIRMAN. Does the gentleman from New York desire to be heard at the present time on his point of order?

Mr. DEMPSEY. I expect to be heard later.

The CHAIRMAN. The gentleman may defer recognition to discuss the point of order, if he so desires.

Mr. MAPES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAPES. I would like to ask the gentleman from New York [Mr. DEMPSEY] if his point of order is that the motion of the gentleman from Michigan [Mr. HUDSON] is not in order at this place because no item in the bill has been read, or whether it is that the motion is not in order until the completion of the section?

Mr. DEMPSEY. At this point the point of order is on both grounds. As soon as a paragraph of a bill—an enacting paragraph—has been read, if anyone asks recognition, I shall make the point of order that there can not be discussion or amendment until the section has been read. I want to be heard on that question.

The CHAIRMAN. The point of order of the gentleman from New York is that if no legislative provision has been read such a motion as has been offered is not in order. The Clerk will read.

The Clerk read as follows:

Waterway connecting Gravesend Bay with Jamaica Bay, N. Y., in accordance with the report submitted in House Document No. 111, Sixty-eighth Congress, first session, and subject to the conditions set forth in said document.

Mr. MAPES. Mr. Chairman, I make a point of order against the item.

Mr. CRAMTON. Mr. Chairman, in the interest of orderly procedure, before we take up the point of order made by the gentleman from Michigan [Mr. MAPES], if the gentleman from New York [Mr. DEMPSEY] proposes to make the point of order that the bill has to be read by sections, let us dispose of that. Of course, if he concedes that the bill is to be read by paragraphs, that is not necessary.

Mr. DEMPSEY. That is not what is going to be done. The gentleman from New York makes the point of order that no point of order can be made until the first section of the bill has been read.

Mr. CRAMTON. On that I would like to be heard whenever the gentleman from New York yields.

Mr. DEMPSEY. I would like to be heard on that first.

The CHAIRMAN. The gentleman from New York is recognized to discuss his point of order.

Mr. MAPES. Mr. Chairman, in order not to lose my rights, I make a point of order against the second paragraph reading, "Waterway connecting Gravesend Bay with Jamaica Bay, N. Y."

The CHAIRMAN. The gentleman's point of order will be noted.

Mr. DEMPSEY. May it please the Chair, there have been quite a considerable number of decisions upon the question whether a legislative bill—and that is what this bill is—shall be considered by sections or by paragraphs. The first decision was by Mr. Olmsted, of Pennsylvania, who was one of the most famous parliamentarians of his day and who presided more often in his time than any other Member of the House. His decision will be found in volume 4 of Hinds', section 4739, page 1004, and his decision is as follows:

Ordinarily a bill is read in the House by sections, but the custom has arisen—growing largely out of convenience—of reading appropriation bills in Committee of the Whole by paragraphs. It is a very old custom, founded almost upon necessity, certainly upon strong reasons of convenience, as may be seen from the fact that the first section of this bill covers 161 pages and embraces hundreds of para-

graphs. This consideration of the bill by paragraphs, if not directly authorized, is clearly recognized in clause 6 of Rule XXIII.

In other words, Chairman Olmsted held that only appropriation bills were considered by paragraphs, and that they were considered not by direct authority, but only by the custom of the House, and that a custom adopted for convenience.

So we start out with this: The first decision upon the question, as laying down the general rule.

The CHAIRMAN. May the Chair direct a question to the gentleman from New York?

Mr. DEMPSEY. Yes.

The CHAIRMAN. Can the gentleman from New York inform the Chair as to what kind of a bill was under consideration when Chairman Olmsted rendered that decision?

Mr. DEMPSEY. I have a memorandum as to most of these decisions, but I have not that memorandum.

Now, the next decision, Mr. Chairman, to which I will call attention is also by one of the best parliamentarians of the present day, Mr. Stafford, of Wisconsin, who, next to Mr. Mann during the time Mr. Mann and Mr. Stafford were in the House, was the most active on parliamentary questions. I will say that perhaps Joe Walsh was as active, but those three men were the three most active men for many long years upon parliamentary questions. Now, let me refer to the decisions by Chairman Stafford and what he said upon the general question. I am quoting from the CONGRESSIONAL RECORD of January 24, 1923, page 2353, when a bill to regulate radio communications was under consideration. Mr. Stafford said:

It is the invariable practice that appropriation bills and revenue bills shall be considered by paragraphs, and all other bills by sections. * * * the Chair will hold that in the consideration of bills, the important and guiding question, where no counter practice prevails, is to consider the measure according to distinct substantive proposals, so that there may be the best legislative consideration to the various provisions, and the Chair holds in this particular instance that it is better for the consideration by the committee to have the bill read by sections as numbered.

This was a contested case, and I will call attention to the fact that some of these rulings were not contested; but this ruling was contested, and so it is of very greatly added importance.

As the Chair stated in the ruling on the gentleman's point of order, section 1, strictly speaking, includes everything from the enacting clause to the end of the bill. * * * The Chair holds, as it is a matter for the convenience of the committee to pass upon that plan which makes it best from a legislative standpoint in the consideration of these substantive matters, that this bill be considered by sections, as they appear.

Then there was just one section; but it was a legislative bill, and Chairman Stafford held that owing to the fact that it was a legislative bill, although the whole bill from beginning to end was in one section, it should be considered by sections.

Now let me refer to what may be urged to be opposing decisions. I want to call the Chair's attention to what those decisions are and why they were not well made. The first decision is a decision by Congressman CRAMTON. I am going to read the decision, and I am going to show how and why that decision was erroneous. It was not a contested decision; it was simply brought up in the ordinary way and without any contest resulting from it.

The rules have no definite provision as to the manner of consideration of a bill, whether by paragraphs or by sections. The rule has generally been stated that revenue and appropriation bills are to be considered by paragraphs and other bills by sections.

That is what he states is the general rule, a rule absolutely and entirely in accord with the contention advanced by me that this bill should be considered by sections. Now, let us see why he says rivers and harbors bills should not be considered by sections, and I desire to call attention to the fact that the ruling was based wholly and entirely upon a misunderstanding and misapprehension.

The rulings, however, in all instances, base the matter upon the convenience of the House.

You could not possibly consider this bill for the convenience of the House under the paragraph method, as I will call to your attention in a moment. You must consider it under the section method.

The bill before us was for a long time, in fact, an appropriation bill and as far as the present occupant of the chair knows has always been considered under paragraphs, even since it no longer carries appropriations.

Now, let us see what that decision was. I do not know that I called the Chair's attention to the place where the decision is reported. It is reported in the CONGRESSIONAL RECORD of January 15, 1925, page 1917. The Chairman who made the ruling said, first, that the general rule was just the contrary to his ruling, that legislative bills should be considered by sections and not by paragraphs. He said, second, that the convenience of the House was to be considered, and you never could consider the rivers and harbors bill for the convenience of the House if you considered it by paragraphs. And then, third, he based his ruling upon the fact, as he assumed it to be, that the rivers and harbors bill formerly was a general appropriation bill, in which he is wholly mistaken. It was not a general appropriation bill at all, and it never was, as is well pointed out by Chairman Stafford in one of his decisions. He says that when the Committee on Rivers and Harbors had appropriating power their bill was never a general appropriating bill; they were a legislative committee with appropriating powers, and their bill was not a general appropriation bill. So the basis upon which the Cramton decision rests was a wholly false and wrong basis, and there was a total misunderstanding on the part of the chairman who made the ruling.

There is only one other ruling, and that was a ruling by Chairman Stafford previous to the ruling made by him, but the ruling there was by the consent of the chairman of the committee, I having the honor to be chairman at that time.

Now, let us get down to the facts in this case. There are two general rules. The first rule is that legislative bills are considered by sections and not by paragraphs. That is the first rule. There is not any doubt that this is a legislative bill, and there is not any doubt that there is ample authority for holding that it should be considered by sections and not by paragraphs. Now, coordinated with that first rule is another rule of equal importance, and that rule is that the convenience of the House is to be considered. What are the facts in this case? We have a bill here consisting of nine sections. We have, as the chairman will see, from page 13 to page 22, surveys provided for with a single appropriation for all of the surveys. These surveys probably number 125 to 150. I am estimating that number and I do not claim to be accurate. There are, I am advised, upwards of 100. If we are to consider this bill by paragraphs and not by sections, so far as these surveys are concerned, we run counter to several things. First, we run counter to the provision that a legislative bill shall be considered by sections.

Second, we run counter to the convenience of the House, because there will be the right to debate upon every one of these paragraphs, and here are the circumstances as to these paragraphs: Probably out of these one hundred and odd surveys there will be 10 or 12 at the outside upon which it will be necessary for the engineers to go into the field. All of the rest of the surveys will be made undoubtedly, as has always been the case, from the data in the possession of the engineers in their offices, where it will be wholly unnecessary for them to go into the field to make any actual surveys at all, and where the cost will be somewhere from \$1 to \$3 or \$5 at the outside, and yet this legislative body, the most important in the world, would spend a tremendous amount of time in the consideration of surveys about which it can know nothing, which would elicit no useful information, serve no useful purpose, and as to which we would be no further advanced at the end of the consideration than we are at the beginning. Far from serving the convenience of the House, it would serve only the convenience of a filibuster, it would serve only to prolong, and would be at the cost of other legislation which is waiting here to be presented to the House, and without any useful purpose whatever being served.

Third—and I am making the three points, first, it is in conflict with the legislative provision; second, in conflict with the basic provision upon which the legislative rule rests, the convenience of the House—and third, I come to the point that there is a specific provision for all these surveys and an authorization for all of them, so that no paragraph is complete, no paragraph can be intelligently discussed, and no paragraph is an entity. Each of these lines or two lines is a part of what begins at page 13 and ends at page 22, and is section 6 of the bill, and they all rest upon the authorization of the amount at the end of section 6. So that there could be no intelligent discussion, aside from the want of knowledge on the part of the House, except after the section has been read as a whole.

Now, to come back to the matter generally and simply to summarize what I have said, I say that the rulings are uniform, continuous, and consistent. They are all in harmony one with the other, that a legislative bill shall be considered by sections and not by paragraphs. I say second that the only decision in conflict is the decision by Chairman CRAMTON, and

that that decision states two of the bases which form the support of the rule, first, that legislative bills shall be considered by sections and not by paragraphs; and second, that it is a matter of the convenience of the House, and then rests his decision upon the misapprehension stated affirmatively on the face of the decision and made the basis of it in express words, that the decision was made as it was because the rivers and harbors bill is a general appropriation bill and therefore, being a general appropriation bill, it should be considered in that way, although the committee had ceased to be an appropriation committee, and yet he ruled that he had to hold that the bill was similar to general appropriation bills, although it was never an appropriation bill and never anything except a bill from a legislative committee having limited authority to appropriate until 1920.

Mr. BURTON. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman.

Mr. BURTON. Is it not true that when the rivers and harbors bill contained appropriations, although it was not regarded as an appropriation bill, certainly not a general appropriation bill, that for years the invariable custom was to read the bill by paragraphs and give an opportunity to amend each separate item.

Mr. DEMPSEY. I will answer the gentleman by saying I can find no authority for that statement, and I have searched diligently. I can not find it is justified in the record, and I find no decisions except those to which I have referred in my argument made here to-day. I say while the bill may have been so considered, in one instance it was when I happened to be Chairman and when I consented to the procedure because I thought in that instance, there being no attempt at a filibuster and it being for the convenience of the House, and in that instance because we had plenty of time and because there was no effect to delay the bill, but every effort to expedite it, and because there was no one calling for roll calls or making points of no quorum and because every technical advantage was not being taken and because I saw it would take no further time, I consented to the procedure, and that is the only case that I know about.

Mr. FREAR. Will the gentleman yield?

Mr. DEMPSEY. Yes; I yield to the gentleman.

Mr. FREAR. While the gentleman was a member of the committee with myself, does he not remember that I have sat here and have taken up item after item and discussed each item and the gentleman never objected to that in the years past, and that I have also moved to strike out the various items?

Mr. DEMPSEY. Why, of course, the gentleman at the end of the section has the right to discuss any item in that section which he selects. There is not any doubt about that. All I am talking about now is how the bill has been considered, not how it has been discussed. After a section is finished, of course, the gentleman has the right to discuss any particular provision of the section which has been read and which is under consideration.

Mr. FREAR. The gentleman misunderstood me. Will the gentleman yield again?

Mr. DEMPSEY. Yes; I yield.

Mr. FREAR. I said, or intended to say, each item separately, sometimes only half a line, sometimes an entire line, and the point was never raised that it was to be discussed by paragraphs.

Mr. DEMPSEY. No; of course, the point was never raised—

Mr. CHALMERS. Will the gentleman yield to me?

Mr. DEMPSEY. Wait a moment. I have to answer the gentleman from Wisconsin first.

Of course, the point was never raised. It was to be discussed by paragraphs, because it was being read by sections and considered by sections. That was the reason for it. Of course, the gentleman has the right to refer to any part of the section which he wants to discuss after it has been read.

Mr. CHALMERS. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. CHALMERS. I want to ask the gentleman from New York if he thinks it is in line with good legislative practice to read a section embodying projects in 25 different States, running into millions of dollars, in two territories, and then, if the gentleman wishes, cut everybody off with 10 minutes' debate. I think that is contrary to good legislative practice.

Mr. DEMPSEY. The gentleman is not discussing the parliamentary question at all. He is discussing what he thinks might result from following the correct legislative practice. I disagree with him entirely on what he thinks the result would be. The thing to be considered is this: There will be ample opportunity to consider all projects under section 1, but there

will be an invitation to filibuster if section 6, the survey section, is read by paragraphs and considered by paragraphs instead of by sections. You have to take the bill as a whole to balance the evil against the good. If there was anything in the gentleman's proposition—and there is nothing—if there was, you would balance the evil against the good. The gentleman knows it; he has been engaged in the filibuster.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. McDUFFIE. As to section 6, the gentleman will find that there are more than 100 surveys—

Mr. DEMPSEY. One hundred and twelve.

Mr. McDUFFIE. One hundred and twelve surveys, and each item would be considered a paragraph, and following the practice of gentlemen here to block legislation we would be until July in getting this bill through?

Mr. DEMPSEY. Absolutely.

Mr. McDUFFIE. If we are going to proceed for the convenience of this House for the dispatch of public business, it occurs to me that the House ought to consider the bill by sections rather than by paragraphs.

Mr. DEMPSEY. Let me say further the chairman is not obliged to remain blind. The chairman is expected to take judicial notice of the situation before him. He knows that we convened to-day at 12 o'clock; he knows that it was 5 o'clock before we got into Committee of the Whole House through a filibuster by gentlemen who oppose the bill, who do not have one-quarter of the votes necessary to defeat the bill. The chairman knows from the instant the bill has been taken up until this present moment there has been an effort at filibuster, and the ruling must be made on facts that exist and not on an ideal state of facts, a state of facts that are not here.

He knows that instead of being for the convenience of the House the ruling that this bill shall be read by paragraphs will be used wholly for the disadvantage of the House, will be used for obstructive tactics, will be used to delay and hinder and take up time unnecessarily and without any advantage in the consideration of the items of this bill. The chairman has a right, and it is his duty, to take all the facts into consideration because the convenience of the House is considered in all these great decisions to be the underlying principle upon which decisions in the case of this kind is based.

Mr. TINCHER. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. TINCHER. The gentleman does not think that this bill ought to be considered in a manner so that any Member would be precluded from moving to strike out a survey?

Mr. DEMPSEY. It would not be. Every man has a right to move to amend; two amendments and a substitute are in order under the rules.

Mr. TINCHER. There are 60 surveys in this bill.

Mr. DEMPSEY. One hundred and twelve.

Mr. TINCHER. But a Member moving to strike out any one would only get 10 minutes, and does the gentleman think that under good legislation he could be required to argue the whole 112 in that way?

Mr. DEMPSEY. The gentleman will agree that there is nothing to that point, because he is fair-minded and wants to be fair, and I will tell him why. There is not a man in this House who can talk 10 minutes about a survey, whether the survey should be made or not. There is not a man here who knows the facts. Let me show the gentleman the way surveys are put in. When a survey is requested we have two courses open to us. We can either send for the people from the vicinity, send for experts, for engineers, for economists, for people, we will say, from California, Oregon, Washington, to find out whether or not the survey is justified. We can do that, or when people request a survey we can say yes, we will put a provision in the bill. Why? Because the engineers have testified again and again—they have written a letter here the last time we had a controversy over surveys in which they said that on the average the cost would be \$5 for making an investigation. They said that there is occasionally a survey which requires engineering work and some expense, but the average survey costs only the sum I have stated, and therefore it is highly advantageous not to try to investigate whether we shall have the survey or not, but to put the provision in the bill and send it to the Chief of Engineers, and the Chief Engineer sends it to the resident engineer. The resident engineer investigates in nine cases out of ten from data that he already has in his office, with no expense except the typewriting which is done in regard to it.

Mr. TINCHER. If that is good practice, why do you not have a short section here that any Member of Congress may request a survey and that the engineers may make it if they want to.

Mr. DEMPSEY. That is an excellent joke, but we are considering a serious legislative bill.

Mr. TINCHER. It is not a joke at all.

Mr. DEMPSEY. We are on a serious legislative bill, and while I have the highest respect for the gentleman and want to treat all that he suggests with consideration, yet it does not do to pass over what is a really serious matter purely and simply and wholly by seeking to make a joke of what may mean the attendance of a couple of hundred men here for days and nights for an indefinite period.

Mr. MAPES. Mr. Chairman, will the gentleman yield to me for a question?

Mr. DEMPSEY. I yield to the gentleman from Michigan.

Mr. TINCHER. Mr. Chairman, if the gentleman will yield, I do not appreciate his reference to me. I am not joking. The gentleman can read the Record in the morning and he will find there is absolutely no difference between my position with reference to these surveys in giving a Congressman the power to request them and the position the gentleman has taken on this floor that they should come as a matter of course.

Mr. DEMPSEY. Mr. Chairman, I am sorry the gentleman can not see the distinction. It is perfectly obvious to a man who is familiar with legislation or with the law. The gentleman is a lawyer, and he ought to know the distinction. In the opinion of the chairman of this committee—and the chairman says it with all kindness and with a desire not to be in the slightest degree discourteous—it is nothing but a joke. I yield to the gentleman from Michigan.

Mr. MAPES. Mr. Chairman, if the gentleman's construction of the rule should prevail and the Chair should decide with the gentleman, would there be anything to prevent the gentleman from New York, as chairman of the Committee on Rivers and Harbors, getting the recognition of the Chair after the completion of the reading of the section containing these numerous projects, addressing the committee of the Whole House on the state of the Union for five minutes, and then moving that all debate be closed upon the section and all amendments to the present section, and doing the same thing to the section which contains all of the items for surveys and in that way make it impossible for any Member to discuss either the merits of these propositions that are proposed or the merits of the surveys proposed or any amendment that may be offered?

Mr. DEMPSEY. Mr. Chairman, the gentleman complains of a general rule. He is not complaining of anything that is peculiar to this bill. His question voices a complaint which lies against all legislative bills. He could ask that question just as well as to any bill which comes from the Committee on the Judiciary, as to any bill that comes from his own Committee on Interstate and Foreign Commerce, and he knows that he considers his bills which come from his legislative committee by sections; and he would be here fighting strenuously and insisting that although a paragraph in his bill might consolidate 10 different railroads and make a half dozen gigantic railway systems in the United States out of what are now 100 or 150, that fact had nothing to do with whether the bill should be read by sections or by paragraphs, that those who wanted it read by paragraphs would be objecting to something embedded in the immemorial practice of the House, and that what the gentleman from New York [Mr. DEMPSEY] might say—if he made such an objection—was not at all relevant. That is all I can say in answer to the gentleman's question. What he speaks about is something that is inherent in all legislative bills and is no greater objection to this bill than to any other legislative bill. What he says as to surveys is not in point at all, because he knows that there can not be any discussion of these surveys, as the surveys have to be examined first and reported on; and if they are reported on favorably, they come to this House before we can have discussion.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. BUTLER. How have these bills been read during the last 25 years? I am asking seriously, because I do not remember, except when the gentleman from Wisconsin [Mr. FREAR] used to go after these bills, and then I know that we read them by paragraph.

Mr. DEMPSEY. I do not think so. I think we read them by sections, and I think he came back to the various paragraphs.

Mr. BUTLER. I am asking for information.

Mr. BURTON. Mr. Chairman, will the gentleman yield to me?

Mr. DEMPSEY. Yes.

Mr. BURTON. Of course I am more familiar with what was the custom from 1895 to 1900.

Mr. DEMPSEY. That was when the Committee on Rivers and Harbors was an appropriating committee.

Mr. BURTON. They could make appropriations.

Mr. DEMPSEY. And so each item had to be considered separately, because the question was up whether you would appropriate \$10,000 for this item and \$50,000 for the next item, and \$2,000,000 for the next item, and so on.

Mr. BURTON. The bill was exactly similar, however, in substance to this bill. Every one of the 30 or more items was based on a report from the Chief of Engineers' office, which gives an estimate of the amount that you can spend and what it will cost. The only difference between this present bill and those in effect from 1895 to 1909 was that those bills contained a final appropriation, and they appropriated a definite sum and set it forth in the paragraph, something which the present bill does not do. This bill authorizes certain amounts to be expended, and it is thereafter a mere matter of detail. The appropriations committee recommends the appropriation of the amount, and there is a great deal more reason for considering this by paragraphs, because in those days we included the amount in every item of the paragraph and here you have to search through executive reports to find out.

Mr. DEMPSEY. Let me answer the gentleman. The gentleman will not for one minute contend that surveys should be considered under the paragraph rule. No sensible man, and hardly a sane man, would make such a contention, because it would be so useless and such a waste of time and so inconvenient the House and so contrary to its best interests. Secondly, the gentleman from Ohio says that the only difference is that in the days of which he speaks the committee had appropriating powers, and to-day it had no such powers, and that is all the difference in the world, because in the case when the committee had appropriating powers then it might be contended—I do not think with good ground—that it came within the class of appropriation bills which should be considered by paragraphs. We concede that, but to-day we are on the other side. We are purely a legislative committee, and our bill is purely a legislative bill, and we fall within the rule as to legislative bills. Now a confusion undoubtedly has arisen, just as has arisen in the mind of the gentleman from Ohio, out of the fact that this committee at one time did have appropriating powers, so we slid along without drawing the distinction, without having a ruling intelligently made, without having the new rule, without recollecting and clearly defining the fact that this committee had ceased to be an appropriating committee and has become a legislative committee and its bills should be heard as legislative bills and not as appropriation bills.

Mr. FREAR. Will the gentleman yield for one question?

Mr. DEMPSEY. I will.

Mr. FREAR. From 1913, when I went on the committee, 1914, 1915, 1916, when I was on with the gentleman, we were simply an authorization committee. We had no power of appropriating during all of that time. The bill was read by paragraphs, and always so until the general Appropriations Committee was formed.

Mr. BUTLER. And we changed the rule in 1919.

Mr. FREAR. Until the Appropriations Committee was formed in 1919.

Mr. DEMPSEY. The gentleman from Wisconsin is absolutely mistaken in the facts. We never changed the rule until 1920; in June, 1920, the rule was changed.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DEMPSEY. I will yield to the gentleman from New York.

Mr. LAGUARDIA. Is not there a distinction between the general run of legislative bills to which the rule to which the gentleman refers applies and the bill now under consideration? In a legislative bill you have a natural grouping there of provisions according to sections. In the bill under consideration you have an unnatural grouping of sections entirely unrelated one to another. You have, for instance, a jumping from the Thames River over to Jamaica Bay, N. Y.

Mr. DEMPSEY. Does the gentleman object to Jamaica Bay, N. Y.?

Mr. LAGUARDIA. No; but I am discussing the point of order.

Mr. DEMPSEY. And Gravesend Bay?

Mr. LAGUARDIA. I am discussing the point of order which the gentleman makes.

Mr. DEMPSEY. Which is very greatly to the disadvantage of Jamaica Bay. Now let me answer the gentleman.

Mr. LAGUARDIA. I would like to hear that answer.

Mr. DEMPSEY. And I read to the gentleman a ruling of Mr. Stafford, who, next to Mr. Mann—Mr. Stafford, Mr. Mann, and Mr. Walsh were the three great parliamentarians of this generation.

Mr. LAGUARDIA. I thought Mr. Mann and Mr. Walsh were great parliamentarians.

Mr. DEMPSEY. Mr. Stafford was a wonderful parliamentarian, and he really was the man who, before Mr. Walsh came, supported Mr. Mann in all his work. Now, here in the radio bill, where you jumped from subject to subject through the whole bill; and while there was only one section in the whole bill, Mr. Stafford held that it should be read by sections though it was but one section, and the whole bill should be read.

Mr. LAGUARDIA. Will the gentleman answer me this: Did not the gentleman ask the Chair to take into consideration the actual conditions confronting the House at this moment?

Mr. DEMPSEY. Yes.

Mr. LAGUARDIA. May not the Chair also take into consideration the unnatural grouping of these subjects in making these sections in order to avoid the rules of the House? [Applause.]

Mr. DEMPSEY. Mr. Chairman, I think I have argued fully to the best of my ability and with entire frankness, with, however, the firm belief in the position taken by me in this matter; and I am, as far as I am concerned—

Mr. MANSFIELD. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. MANSFIELD. I will ask the gentleman from New York if it is not a fact that, so far as the preliminary surveys are concerned, we have not even the precedent for a contest?

Mr. CRAMTON. Mr. Chairman, if the gentleman has concluded, I rise with some embarrassment, for the reason the gentleman from New York has stated that everyone else who has ever ruled on this question or discussed it is a great parliamentarian, except the gentleman from Michigan [Mr. CRAMTON], who made the last ruling in this House on the question. The gentleman admits, and I am forced to agree with him, that I am not a great parliamentarian. My embarrassment is somewhat lessened in that, Mr. Chairman, however, by the fact that the burden of the argument of the gentleman from New York is based upon the section with reference to surveys, and he justified entirely his position on this on the assumption that the whole House is ignorant also on the subject of surveys, and not qualified even to discuss one of these items. That somewhat relieves my embarrassment.

Now, Mr. Chairman, there are three great signal lights to guide anyone trying to determine the parliamentary law in a given situation in this House. First, the express written rules of this House, and, second, the precedents that have been made in the past under similar circumstances, and, third, the rule of common sense, to provide conditions to lead us toward good legislation. Now, as the House Manual states—and in what I have to say I am not going to press very much on my opinion, but I am going to press upon the opinion of those very great parliamentarians that the gentleman from New York told us about—the House Manual says this, in section 850, stating the general rule as to the consideration of a bill by sections or paragraphs:

The reading of a bill for amendment is not specifically required by the present form of the rule, but is done under practice.

That is to say, the rules do not precisely provide for consideration either by paragraphs or by sections for anything that the rules say. Its consideration might be at the end of the bill, and you would be obliged to bunch your amendments and your discussions in at one place at the end of the bill. So that there is nothing to guide us in the express rules of the House. Section 850 further states:

Revenue, general—

Let the gentleman from New York get the word "general," that he has not used in the discussion—

general appropriation, lighthouse, and river and harbor bills are generally read by paragraphs; other bills by sections; but the matter is very largely in the discretion of the Chair.

Now, as I shall endeavor to show the Chair in the decisions that I shall call attention to, the meaning of that latter phrase in the rule is not that the Chair has discretion to rule that a general appropriation bill or a revenue bill should be considered by sections. There are no decisions that would warrant that, but that statement means that legislative bills, not revenue bills and not appropriation bills, may, in the discretion of the Chair, be read by paragraphs.

Now, I do not want to take nearly as much time as my friend from New York [Mr. DEMPSEY] did. He would say I was filibustering if I took half as much time as he did. [Laughter.]

This matter came up in the Sixty-third Congress, second session, as will be found on page 16124 of the CONGRESSIONAL RECORD under date of October 3, 1914. The Jones bill was under consideration. I am first discussing legislative bills and their treatment here under paragraphs; bills that have no suspicion of revenue or appropriation; bills that are of a legislative character purely. The Jones bill for Philippine autonomy was pending, and when section 3 was read the following colloquy took place between Mr. Flood, of Virginia, Chairman of the Committee of the Whole—and Mr. Flood was a parliamentarian of standing also—and Mr. Mann, who, fortunately for the Chair, has been vouched for by the gentleman from New York. Here is the colloquy:

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Section 3 is a long section. It covers a great many paragraphs somewhat in the nature of a copy of certain things, I suppose either from the Constitution of the United States or from various State constitutions. Is it to be treated as one section or one paragraph only for amendment, or are the paragraphs to be read separately for amendment?

That is precisely the question we have pending here on a legislative bill. Mr. Mann said further:

The subjects matter in the different paragraphs of the section are entirely dissociated one from the other.

The chairman said:

The general rule, as the Chair understands, is that the whole section should be read before it is open to amendment, except with appropriation bills; but the gentleman from Illinois suggests that the subject matter of the various paragraphs, so to speak, is different, and therefore—

On this legislative bill—I am not quoting the chairman—but in this legislative bill the Chair said:

Therefore the Chair will permit amendments after each one.

Mr. MANN. I think that is proper in a case like this.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I will ask the gentleman not to ask me to yield until I have completed the statement, and then I will yield. I did not interrupt the gentleman.

Mr. DEMPSEY. I ask in regard to this particular ruling.

Mr. CRAMTON. I do not want to yield, because I am not much of a parliamentarian, and I do not want to get off the track.

Mr. DEMPSEY. I yielded to the gentleman when he asked me. I yielded to everyone.

Mr. CRAMTON. Very well; go ahead.

Mr. DEMPSEY. Let me call the attention of the gentleman to this distinction.

Mr. CRAMTON. I will only yield for a question. I am afraid of a filibuster here. [Laughter.]

Mr. DEMPSEY. I will ask only one question. In the instance cited by the gentleman there are two significant things: First, there was no controversy. It was done by agreement, and suggested by Mr. Mann, a Republican, to the Democratic Chairman, and done by agreement between the two; and, second, when holding, as he did, by agreement of the two parliamentarians, the Chairman nevertheless pointed out that he was doing something in violation of the rule, and that the rule was to the contrary, that it should be considered by sections.

Mr. CRAMTON. I hope the gentleman will stick to Mr. Mann, after commending him so highly this afternoon. I can not yield further. The truth is that this was not a matter of unanimous agreement. It was a question by the greatest parliamentarian of this House for many years as to what the procedure should be when there were many paragraphs dissociated in character, and he made the suggestion; and the chairman, Mr. Flood, accepted the suggestion, and at a time when there was no controversy at stake to warp the judgment of men. That is the time when you get the best law; not when there is something to warp men's judgment and to lead them to go the way their wishes want them to go. So, under those conditions, Mr. Mann said that the Jones autonomy bill should be considered by paragraphs, and the chairman so ordered.

Now, in the sixty-fourth CONGRESSIONAL RECORD, page 2353, Sixty-seventh Congress, fourth session, is the decision that my friend from New York has referred to with great unction, and he has also vouched for the parliamentary knowledge and the wisdom of the gentleman who formerly was here from Wisconsin, Mr. Stafford. Let me give my humble understanding of what happened then. A radio bill was under consideration, and that was a legislative bill also. It was a peculiar bill in its form and the gentleman did not note that; he did

not note just what the form of that bill was, and hence, with all due respect to my friend, let me suggest that he has totally misunderstood what the decision was. It was a bill which proposed to amend a number of sections of an existing law. I do not remember the numbers.

Mr. DEMPSEY. Sections 1, 2, 3, and 4. I am very familiar with the matter.

Mr. CRAMTON. I thank the gentleman, and I am glad to know the gentleman is right that far. It was a bill to amend sections 1, 2, 3, and 4 of an existing law. The gentleman from Connecticut [Mr. TILSON] raised the question as to what the bill was anyway. How many sections are there in the bill, one bill or four? And Mr. Stafford, the chairman, did not agree entirely with Mr. TILSON, and he said this—keep in mind that there was one section proposing to amend four sections of an existing law and setting them forth as amended. Mr. Stafford said:

The question of whether bills should be considered by paragraphs or sections is a matter of custom. No specific rule covers this question. It is the invariable practice that appropriation bills and revenue bills shall be considered by paragraphs, and all other bills by sections.

I ask the gentleman from New York to take that to his heart. Then, a little later, the Chair said:

But the Chair will hold that in the consideration of bills the important and guiding question, where no counter practice prevails, is to consider the measure according to distinct substantive proposals, so that there may be the best legislative consideration to the various provisions, and the Chair holds in this particular instance that it is better for the consideration by the committee to have the bill read by sections as numbered, and the Clerk will now read section 2.

And that is where my friend from New York was misled, because the Chair further held that there was only one section in the bill, and when he said that it should be read by sections as numbered he was referring to sections 1, 2, 3, and 4 of the existing radio bill, which were in reality only paragraphs in the bill then before the committee, and the Chair held that the bill should in reality be considered by paragraphs.

The House Manual also cites the ruling by Chairman CRAMTON on the 15th of January, 1925, which my friend from New York has referred to.

Now, with particular reference to rivers and harbors authorization bills. I have so far sought to emphasize that bills that had no suspicion of history as revenue or appropriation bills—when the Chair thought that better legislative consideration could be given to them if considered by paragraphs the Chair has not hesitated to hold that they should be considered by paragraphs.

I will now get down to the particular type of bill that is before us. As a matter of fact, the gentleman from Ohio [Mr. BURTON], the gentleman from Wisconsin [Mr. FREAR], and, in fact, the gentleman from New York [Mr. DEMPSEY] have all conceded that this river and harbor bill has always, whether it was an appropriation bill or merely an authorization bill purely legislative in character, been considered by paragraphs. On the 19th of May, 1922, CONGRESSIONAL RECORD, page 7278, Sixty-seventh Congress, second session, the bill having been reported by the gentleman from New York [Mr. DEMPSEY], the following occurred. That was after the appropriating authority had been taken away from the Rivers and Harbors Committee, but let me interject this: That never has the river and harbor bill been construed to be a general appropriation bill; even when it was an appropriation bill it was not treated as a general appropriation bill; that is to say, legislative matters were permitted in that appropriation bill, while not permitted in general appropriation bills, and that has its bearing later in some of my own comments. But when this bill reported by the gentleman from New York [Mr. DEMPSEY] was before the House, next to the last bill of this kind to come into this House, on the 19th of May, 1922, this occurred:

Mr. BURTON—

Our colleague from Ohio—

Mr. Chairman, a parliamentary inquiry. Would an amendment proposed to this paragraph lie when the section is read or would it lie now?

The CHAIRMAN—

I am sure Mr. Stafford was chairman at that time—

The present occupant of the chair is not advised—

It apparently came up hurriedly, and he had not had a chance for research—

whether that question has been presented since the appropriating powers have been taken away from the Committee on Rivers and Harbors. The rule has been that on general appropriation bills and on revenue

bills the bill is considered by paragraphs, but the river and harbor bill, even when it carried appropriations and not merely authorizations, was not a general appropriation bill, and yet the bill was always considered by paragraphs.

Said the gentleman from Wisconsin, Mr. Stafford, whose ability has been vouched for by my friend from New York:

The Chair thinks it would be better practice to have the bill considered by paragraphs.

Now, there is a statement of his judgment on the parliamentary situation, and then he said:

and all question would be removed if the gentleman having the bill in charge would ask unanimous consent to have it so considered.

Then what did Mr. DEMPSEY say? Did he say:

I do not want to establish any bad precedent; I do not yield any rights, but just this once I will ask this.

No. Mr. DEMPSEY said:

Mr. Chairman, I ask unanimous consent that the bill be considered by paragraphs instead of by sections.

The CHAIRMAN. Is there objection?

There was no objection.

Tell me this: Why does the gentleman from New York—and I do not especially ask him the question now, but it is general—

Mr. DEMPSEY. I am ready to answer it.

Mr. CRAMTON. Well, I would rather the others would answer.

What sense would there be in the gentleman from New York asking to have the bill considered by paragraphs, surveys and all, simply because he thinks nobody is going to fight the bill, and then when he thinks somebody is fighting the bill, ask for a different ruling entirely and one that would not give the same full opportunity for consideration?

When the last bill was before the House—and, as I say, it is a matter of some embarrassment to me, and the Chair may attach such weight to the decision as he thinks the other decisions I have quoted may warrant—when the last river and harbor bill was pending before the House on the 15th of January, 1925, I chanced to be in the chair. The bill was reported by the gentleman from New York [Mr. DEMPSEY], and after the first paragraph was read the following colloquy occurred, and you will find it in sixty-sixth CONGRESSIONAL RECORD, page 1917, Sixty-eighth Congress, second session, and I may say I had been given a little notice by the gentleman from California [Mr. BARBOUR] that the question would be raised. There was no controversy existing and no reason why I should not, to the best of my limited ability, decide the question in accordance with the practice of the House and the best legislative custom, and so this occurred:

Mr. BARBOUR. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARBOUR. Is an amendment in order at this point of the bill?

The CHAIRMAN. The rules have no definite provisions as to the manner of consideration of a bill, whether by paragraphs or by sections. The rule has generally been stated that revenue and appropriation bills are to be considered by paragraphs and other bills by sections. The rulings, however, in all instances base the matter upon the convenience of the House. The bill before us was for a long time in fact an appropriation bill—

Well, it was, but not a general appropriation bill—

and as far as the present occupant of the chair knows has always been considered under paragraphs, even since it no longer carries appropriations. Every reason that would obtain for the consideration of an appropriation or revenue bill in that manner would obtain as to the bill before us, so that the Chair—

And I had then that feeling of diffidence as to my parliamentary knowledge which the gentleman from New York has stressed here this afternoon to the House, and I said:

so that the Chair, unless the House should decide differently, will hold that this bill should be considered by paragraphs, and an amendment to the first paragraph is now in order.

And the gentleman from New York, sitting just where he does now, with the same knowledge of parliamentary law and convenience of the House that he has now, with the same responsibility resting upon him that he has now, made no objection whatever. [Applause.]

Now, I urge, Mr. Chairman, that the various paragraphs of this bill being entirely dissociated one from the other, being distinct substantive proposals, both reason and precedent agree that the bill should be considered by paragraphs, and I only want to take a moment now to direct the attention of the

Chair to the real situation before us and the logic that makes that course vital to good procedure in the House.

It may not be a matter of convenience for my friend from New York, but for good legislative consideration it is vital. Here is a bill of 24 pages. The cost to the Treasury before the things here initiated have run their course will be \$100,000,000 or more. There are paragraphs here that mean an expenditure of twenty, thirty, forty, or perhaps one hundred million dollars. For instance, we have in the paragraph now pending concerning the Jamaica Bay proposition an authorization of expenditure of \$2,000,000 by the Federal Government and \$20,000,000 by the locality in building the necessary bridges to get over our improvements. Then a little further is the purchase of the Cape Cod Canal, and there are several million dollars involved in that item. A little further on in the same section—

Mr. DEMPSEY. No; that is a separate section.

Mr. CRAMTON. Then I am wrong about that.

Mr. DEMPSEY. Yes; the gentleman is wrong.

Mr. CRAMTON. All right; I will admit that. I have to be wrong about so much and that is a good place to be wrong.

Then comes the Illinois construction project that many of the House are so much interested in—the improvement of the Illinois River. Then, there is the Intracoastal Canal and the Delaware Canal, these matters entirely unrelated except as they may come together in a rivers and harbors bill skillfully joined together so as to all push the bill through together.

Now, the gentleman from New York did not talk much about what could happen on section 1 under his construction, but he emphasized that there were a number of surveys and said it was not desirable to have them considered item by item. For instance, on page 14 you will see one paragraph about the Merrimack River in New Hampshire, and then there is a paragraph about Little Neck Bay, N. Y., and there is the Mispillion River in Delaware—

The CHAIRMAN. The Chair would like to say to the gentleman, it is not helpful to take up the time of the committee by reading the names of the various surveys.

Mr. CRAMTON. Only let me suggest, Mr. Chairman, that these different projects have no connection, are separate, substantive propositions.

The gentleman from New York has gone so far as to say that the Chair should take notice of the fact that there is opposition actively to this bill and that he fears delay in the passage of the bill if the Chair does not make a ruling to fit his desires of the moment. Let me suggest to the Chair that that is a matter for the House to determine, what attention they will give to each one of these paragraphs, but the gentleman's contention, if adopted by the Chair, would permit the gentleman from New York at the end of the first section of the bill after five minutes of debate to move to cut off all further debate on that section and all amendments thereto, with no more discussion on Cape Cod Canal, the Illinois River, and the Chicago water diversion, or any of the other items; all crowded into five minutes if he has the votes to put it through. The gentleman has said the Chair could take judicial notice of what has gone on. I am not so sure the Chair is so well informed, but I do not think I am getting further away from the point of order than the gentleman from New York when I say that I have been told half a dozen times that the program of the gentleman from New York is to pass this bill to-night before we adjourn [applause], and that could only mean, Mr. Chairman, that his purpose is to absolutely eliminate debate on these projects involving many millions of dollars.

I urge, Mr. Chairman, that both precedent and reason support the ruling that this bill should be considered by paragraphs as it always has been.

Mr. DEMPSEY. Mr. Chairman, I want to make a suggestion to the Chair. Let me suggest to the Chair in ruling upon this question that the Chair it seems to me can properly have in mind that there might be a different ruling as to section 6 from the sections that precede it. Whichever way the Chairman rules I would suggest that all the ruling that is necessary at the present time is as to the section under consideration, and that the ruling should not be considered to be a ruling on section 6, but that the ruling will be made on that section of the bill when it is reached.

Mr. COOPER of Wisconsin. Mr. Chairman, may I ask a moment on this, as it seems to me, vastly important question? I have listened to the arguments, and it appears to be conceded that as to appropriation bills the House should consider them by paragraphs—both reason and precedent being that way. It is conceded that in considering bills to appropriate money from the Treasury of the United States better legislation is assured where the consideration is by paragraphs.

But, Mr. Chairman, no Member can rise here and give any good reason why bills authorizing such appropriations should not be considered by paragraphs. The reason for considering appropriations by paragraphs is just as applicable to the consideration of authorizations, because to-day, Mr. Chairman, under the new rules there can be no appropriation without previous authorization; and therefore authorization is an essential part of appropriation. There can be, I repeat, no appropriation without previous authorization.

What is authorization? It is the House declaring by passing the bill that in its judgment the appropriation should be made. And it is the authorization which demands the most careful consideration. If, as is conceded, in accordance with both reason and precedent, there must be consideration by paragraphs in order properly and wisely to make appropriations, then there should also be consideration by paragraphs in order properly and wisely to make the authorizations. There is no answer at all to that.

When the House under the old rules authorized an appropriation it in effect said, "We think that this appropriation ought to be made, and we will make it now." It did this all at one time by one vote. But under the new rules these two functions are separated. The House now first passes a bill authorizing the appropriation, and later it passes a bill to make the appropriation.

Mr. FREAR. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. FREAR. And your appropriation is all made in one short paragraph without discussion.

Mr. COOPER of Wisconsin. Yes. But now, we separate the authorization and the actual making of the appropriation.

If reason and justice demand that the appropriation shall be considered by paragraphs how can anyone consistently say that the authorization, which expresses the judgment of the House, should not be considered by paragraphs. Of course it ought to be.

Mr. SCHAFER. Will the gentleman yield?

Mr. COOPER of Wisconsin. I yield.

Mr. SCHAFER. Has not the House adopted the uniform practice in making appropriations that wherever an authorization for an appropriation has been made there is an obligation to appropriate?

Mr. COOPER of Wisconsin. Certainly. That is what I have in mind. Where the House authorizes an appropriation the Committee on Appropriations is, in my judgment, in honor bound to report such appropriation in accordance with the authorization, unless prior to reporting the committee finds that there had been fraud or mistake by which the House was deceived.

Mr. LAGUARDIA. In other words, the authorization goes to the merits of the proposition and the appropriation goes to the amount?

Mr. COOPER of Wisconsin. Certainly; the authorization goes to the merits of the proposition; the gentleman has stated it accurately. The authorization is the deliberate judgment of the House and ought to be made only after full consideration of the facts. When it is made, the Committee on Appropriations should bring in the appropriation as authorized unless meanwhile some vitally important reason is found to the contrary.

It is the authorizations for appropriations which demand the most thorough consideration; and therefore the provisions of the bill for authorizations should be carefully considered by paragraphs.

The CHAIRMAN. The Chair is ready to rule. The written rules of the House do not prescribe how bills shall be considered in the Committee of the Whole House on the state of the Union. Clause 6 of Rule XXIII indicates that there may be two methods applied in the consideration of a bill for amendment. Clause 6 of Rule XXIII reads as follows:

The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph * * *

In so far as the rules prescribe how all bills may be considered in committee, it indicates that both methods may be used. The question then arises, What method is prescribed, if not by the strict letter of the rules, by the practice of the House and by its precedents, which are binding upon the occupant of the chair?

It has been said that whether a bill should be considered by sections or by paragraphs is within the discretion of the Chair. Strictly speaking, that is not the fact. The discretion that the Chair exercises is in determining what method in a given instance shall be used, applying to the circumstances of

that given instance the practice of the House as set forth by its precedents, and the reasons stated that underlie the practices indicated by the precedents. The fundamental reason for reading the bill either by sections or by paragraphs is the convenience of the committee in the consideration of the bill. The convenience of the committee has been indicated in those various decisions cited by gentlemen arguing both for and against the proposition to be that the committee may have before it substantive provisions considered as a whole, but that each substantive provision may be considered independently by the committee.

Consequently, we find that as a general rule legislative bills are considered by sections, because we know that bills have always been so drafted that each section contains a substantive legislative provision, the whole together making the entire legislation on the subject matter, but each section being a substantive proposition dealing with the general subject matter of the legislation. Therefore, following the reasons for the practice, as distinguished from a written rule, legislative bills generally are considered by sections. Appropriation bills are considered by paragraphs, because in the paragraphs concluding with an appropriation is to be found the substantive provision for which that specific appropriation is made, and each paragraph in such bills contains a single and a complete substantive legislative provision.

The rule has always been, both when the bill for rivers and harbors carried appropriations and since that time, that the bill was to be considered by paragraphs, because it is obvious from an inspection of this or any other river and harbor bill that each paragraph carries a complete and independent substantive legislative proposition.

The suggestion that the Chair might rule that certain portions of the bill be considered by paragraphs and other portions of the bill by sections the Chair can not entertain, as he finds nowhere any authority which would permit him to make such a ruling.

Consequently, following the precedents of the House both with reference to this specific legislation and the precedents generally, as well as the reasons underlying the precedents which established the practice, the Chair feels that river and harbor bills should be considered by paragraphs, and the Chair so rules. [Applause.]

Mr. MADDEN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MAPES. Mr. Chairman, may we have some debate upon that?

The CHAIRMAN. Debate is in the discretion of the Chair.

Mr. MADDEN. Mr. Chairman, I do not think we ought to have any debate upon it.

The CHAIRMAN. The appeal is debatable, but under the five-minute rule. Does the gentleman from Illinois desire recognition?

Mr. MADDEN. I do not desire it now unless somebody else wants it.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. MAPES) there were—ayes 66, noes 71.

Mr. MAPES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MADDEN and Mr. CRAMTON to act as tellers.

The committee again divided, and the tellers reported—ayes 64, noes 91.

So the decision of the Chair was rejected as the judgment of the committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Great Kills, Staten Island, N. Y., in accordance with the report submitted in House Document No. 252, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document.

Passaic River, N. J., in accordance with the report submitted in House Document No. 284, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document.

Baltimore Harbor, Md.: The Secretary of War and the Chief of Engineers are hereby authorized to modify the existing project with reference to the anchorage area at the intersection of the Fort McHenry Channel with the Ferry Bar Channel by the selection of a new location at such point as may be found, after full consideration, to be most advantageous to shipping interests.

Appomattox River, Va., in accordance with the report submitted in House Document No. 215, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document.

Channel to Newport News, Va., in accordance with the report submitted in House Document No. 486, Sixty-seventh Congress, fourth session.

Shallotte River, N. C., in accordance with the report submitted in House Document No. 273, Sixty-ninth Congress, first session.

Neuse and Trent Rivers, N. C., in accordance with the report submitted in House Document No. 299, Sixty-seventh Congress, second session, and subject to the condition set forth in said document.

Charleston Harbor, S. C., in accordance with the report submitted in House Document No. 249, Sixty-ninth Congress, first session, and subject to the condition set forth in said document. The existing project for a 40-foot channel is hereby modified in accordance with the recommendations in said document.

Savannah Harbor, Ga., in accordance with the reports submitted in House Documents Nos. 261 and 262, Sixty-ninth Congress, first session, and subject to the conditions set forth in said documents.

Apalachicola Bay, Fla.: The modification of the existing project recommended in House Document No. 106, Sixty-ninth Congress, first session, is hereby authorized.

Gulfport Harbor and Ship Island Pass, Miss.: The present adopted project may be modified by relocation of the channel across Ship Island Bar at such point as the Chief of Engineers, United States Army, may deem most desirable in the interest of navigation and economy.

Amite River and Bayou Manchac, La., in accordance with the report submitted in House Document No. 473, Sixty-eighth Congress, second session.

Bayou Bonfouca, La., in accordance with the report submitted in House Document No. 474, Sixty-eighth Congress, second session, and subject to the conditions set forth in said document.

Mississippi River between Cairo and the Head of Passes: The existing project is hereby modified in accordance with the report submitted in House Document No. 105, Sixty-ninth Congress, first session.

The Louisiana & Texas Intracoastal Waterway, from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex., in accordance with the report submitted in House Document No. 238, Sixty-eighth Congress, first session, and subject to the conditions set forth in said document: *Provided, however*, That the section from Galveston to the vicinity of Gulf, Tex., shall be constructed as recommended by the Board of Engineers for Rivers and Harbors in its report contained in the said document: *Provided further*, That not more than two Government dredges shall be constructed for use in prosecuting this project: *And provided further*, That no expense shall be incurred by the United States for the acquiring of any lands required for the purpose of this improvement.

Sabine-Neches Waterway, Tex., in accordance with the report submitted in House Document No. 287, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document: *Provided*, That no expense shall be incurred by the United States for the acquiring of any lands required for this improvement.

Mississippi River between Missouri River and Minneapolis: The existing project for improvement at and in the vicinity of Moline, Ill., is hereby modified in accordance with the report submitted in House Document No. 263, Sixty-ninth Congress, first session.

Mill Creek and South Slough at Milan, Ill., in accordance with the report submitted in House Document No. 148, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document.

Ohio River: The project for general open-channel work is hereby modified in accordance with the report submitted in House Document No. 187, Sixty-seventh Congress, second session, and subject to the conditions set forth in the report of the Board of Engineers for Rivers and Harbors in said document.

Youghiogheny River, Pa., in accordance with the report submitted in House Document No. 253, Sixty-ninth Congress, first session.

Duluth-Superior Harbor, Minn. and Wis., in accordance with the report submitted in House Document No. 245, Sixty-ninth Congress, first session.

Illinois River, Ill., in accordance with the report submitted in Rivers and Harbors Committee Document No. 4, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document: *Provided*, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan, or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

St. Marys River, Mich., in accordance with the report submitted in House Document No. 270, Sixty-ninth Congress, first session.

Buffalo Harbor, N. Y., in accordance with the report submitted in House Document No. 481, Sixty-eighth Congress, second session, and subject to the condition set forth in said document.

San Joaquin River and Stockton Channel, Calif., in accordance with the report submitted in House Document No. 554, Sixty-eighth Congress, second session, and subject to the conditions set forth in said document: *Provided*, That no expense shall be incurred by the United

States for the acquiring of any lands required for the purpose of this improvement.

Sacramento River, Calif., in accordance with the report submitted in House Document No. 123, Sixty-ninth Congress, first session.

San Pablo Bay and Mare Island Strait, Calif.: The existing project is hereby modified in accordance with the report submitted in House Document No. 104, Sixty-ninth Congress, first session.

Feather River, Calif., in accordance with the report submitted in Rivers and Harbors Committee Document No. 1, Sixty-ninth Congress, first session, and subject to the condition set forth in said report.

San Francisco Harbor, Calif., in accordance with the report submitted in House Document No. 337, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document.

Umpqua Harbor and River, Oreg., in accordance with the report submitted in House Document No. 320, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document.

Olympia Harbor, Wash., in accordance with the report submitted in House Document No. 244, Sixty-ninth Congress, first session.

Tolovana River, Alaska, in accordance with the report submitted in House Document No. 193, Sixty-eighth Congress, first session, and subject to the condition set forth in said document.

Kabulul Harbor, Hawaii, in accordance with the report submitted in House Document No. 235, Sixty-ninth Congress, first session.

Mr. MAPES. Mr. Chairman, I make a point of order against the section, and in order to protect my rights fully I make the point of order against each and every paragraph in the section.

Mr. BURTON. Mr. Chairman, I make especially a point against the item on page 6, beginning in line 4, respecting the Illinois River.

Mr. CHINDELOM. Mr. Chairman, I think the gentleman from Michigan is doing something without any precedent of the House. Is he reserving points of order or making them?

Mr. MAPES. Mr. Chairman, I am making them, and under the rules of the House if any item in this section is out of order the whole section is out of order.

Mr. DEMPSEY. Oh, no.

The CHAIRMAN. The Chair will hear the gentleman from Michigan.

Mr. BURTON. Mr. Chairman, in order to retain all rights I make the point of order instead of reserving it upon the clause on page 6 pertaining to the Illinois River.

Mr. MAPES. Mr. Chairman, I made a point of order against every paragraph in the section individually.

The CHAIRMAN. The Chair will hear the gentleman from Michigan on his point of order.

Mr. MAPES. Mr. Chairman, in order that the committee may get back to the rules of the House I would like to read from a statement of a distinguished Illinoisian, a former Member of the House of Representatives, in the consideration of a river and harbor bill, sustaining a point of order made by the distinguished gentleman from Illinois [Mr. MADDEN]. The ruling was made by the distinguished Member from Tennessee [Mr. BYRNS].

Mr. ELLIOTT. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. MAPES. I will.

Mr. ELLIS. Mr. Chairman, I desire to offer an amendment to insert a new paragraph, and I would like to know when it will be proper to offer it.

The CHAIRMAN. When the points of order have been disposed of.

Mr. ELLIS. Thank you.

Mr. MAPES. Mr. Chairman, in connection with my point of order, and with the action of this committee in overruling the decision of the Chair which has just taken place on the floor this afternoon, I desire to read.

SEVERAL MEMBERS. What from?

Mr. MAPES. I am reading from the CONGRESSIONAL RECORD, volume 57, Sixty-fifth Congress, third session, on page 1265:

Mr. MANN. Mr. Chairman, the distinguished gentleman from Tennessee [Mr. BYRNS] occupying the chair has made a ruling following the rules of the House. The Constitution provides that we shall operate under the rules made by the House. The House has provided its rules. The gentleman from Tennessee has decided that under the rules of the House a certain item in this bill is not in order. The merits of the item are not properly before the House. This is a lawmaking body. The question before the House is whether it is a law-abiding body, whether it will follow the rules it has established, regardless of the merits of the particular proposition, or whether it will decide it when it comes up according to the individual preferences or lobbying of Members of the House.

I take it that this is a law-abiding body as well as a lawmaking body. If it is a law-abiding body, when it makes rules it will follow

the rules it has made, and in this case it must either decide that the gentleman from Tennessee, as Chairman, did not know the rules of the House, did not make a correct ruling under the rules of the House, or else it pays no attention to the rules it made itself, unless, perchance, it desires to have the rules operate in favor of individual projects.

This body can never do well unless it observes the rules of the House.

Mr. DEMPSEY. Mr. Chairman, I make the point of order that I do not think the gentleman is making a point of order. He is reading a speech and has not mentioned a single point of order yet. He is reading a long speech without saying a word about the point of order. I make the point of order that the gentleman is not in order.

The CHAIRMAN. The Chair assumes that a Member addressing the Chair does so for his enlightenment and should have a reasonable latitude, and the Chair assumes that the gentleman will soon proceed to the meat of his argument.

Mr. MAPES. Mr. Mann continued:

The river and harbor bill always is subject to enough criticism without the criticism being made throughout the country that when the river and harbor bill is up the House pays no attention to the rules made by the House of Representatives, that Members override the rules made for other bills because they desire to interject projects into the bill which the public, erroneously, of course, calls the pork-barrel bill.

That is the language of no less a parliamentarian than the distinguished former Member of this House from Illinois, Mr. Mann. So much for that. Now, Mr. Chairman, I make the point of order against the section and against every individual item in the section, and I call the attention of the Chair to this fact that the Committee on Rivers and Harbors reported this bill under its authority to report legislation as an original proposition and not because it acquired jurisdiction by reference of the bill to the committee by the Speaker. As I think the present occupant of the Chair well knows the rule in regard to reporting privileged matter is as follows: Rule 11, paragraph 56 of the Digest. Mr. Chairman, I would like order.

Mr. CRAMTON. Mr. Chairman, the difficulty is not in the Chamber, but it is in the lobby.

The CHAIRMAN. The gentleman from Michigan will proceed.

Mr. MAPES. Mr. Chairman, I have what I consider a very important point of order. And I make it in all seriousness, and I desire the particular attention of the Chair and those Members of the House who are on the floor I hope will allow the Chair at least to hear what I have to say for a few moments. Rule 11, paragraph 56, states:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules, Joint Rules, and Order of Business; the Committee on Elections, on the right of a Member to a seat; the Committee on Ways and Means, on bills raising revenues; the Committee on Appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills authorizing an improvement of rivers and harbors.

I will not read the remainder of the paragraph because it relates to other committees. This bill was reported under authority of the committee to report original legislation. The legislation was never put in the basket and never referred to the committee by the Speaker or by the House, so that the committee acquired no jurisdiction by any action of the House or of the Speaker, and every item in the bill which the committee would not have a right to report as privileged matter is subject to a point of order. No one has stated the rule better than the distinguished former Member from Illinois [Mr. Mann], whose statement is quoted in Hinds' Precedents, page 746, volume 4.

I quote now from the language of Mr. Mann, which is cited with approval in Hinds' Precedents. I read:

Mr. Chairman, this is a bill which was reported originally by the Committee on Rivers and Harbors, not a bill which has been referred to that committee by the House, and anything in the bill which they have not authority to report as a privileged matter under the rules is subject to a point of order.

The CHAIRMAN. Will the gentleman refer the Chair to the volume?

Mr. MAPES. It is volume 4 of Hinds' Precedents, page 746, section 4119. I am quoting a statement on a point of order by the gentleman from Illinois, Mr. Mann. I read further:

Under the rules they are permitted to report at any time bills relating to the improvement of rivers and harbors.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield? Mr. MAPES. Yes.

Mr. McDUFFIE. Do I understand the gentleman to read that under the rule they are permitted to report at any time bills relating to rivers and harbors?

Mr. MAPES. Yes. The gentleman is correct; but not bills relating to flood control, not bills relating to the building of roads, not bills relating to water power, not bills relating to irrigation, not bills relating to canals, not bills relating to railroads and reclamation, and many other items that are in this bill. If one paragraph in a section is out of order, then the whole section is out of order.

Mr. Chairman, in the evolution of the rule creating the Committee on Rivers and Harbors and when the committee had the appropriating power it was privileged to report legislation pertaining to the improvement of rivers and harbors as privileged matters.

After the adoption of the budget law and the limiting of the power to make appropriations to one committee, the Committee on Appropriations, the reason for the rule giving any privilege to the Committee on Rivers and Harbors, it seems to me, ceased. But the rule has never been changed, and the Committee on Rivers and Harbors, according to the rule, still has the right to report as privileged matters relating to river and harbor improvements.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. McDUFFIE. Are we not proceeding under a special rule from the Committee on Rules making this bill in order?

Mr. MAPES. No. We are proceeding under a special rule which said it would be in order to move to go into Committee of the Whole House on the state of the Union for the consideration of this bill under the general rules of the House; and, if the gentleman will remember, we had some controversy when the motion was first made as to my right to reserve all points of order against the bill.

Mr. Chairman, the reason for this rule is this, and it is no better illustrated than in the bill before the committee at this time: Here is a committee reporting a bill which no one introduced into the House of Representatives. It is not referred to the Committee on Rivers and Harbors by the Speaker or by the House.

There are some items in the bill, let me say, Mr. Chairman, which, in my opinion, the Committee on Rivers and Harbors would have jurisdiction over if they had been incorporated in a bill and referred properly by the Speaker to the Committee on Rivers and Harbors—items which, if they had been so referred, would not now be subject to this point of order, but which are now improperly in the bill and subject to the point of order because they were never referred to the committee. The committee reported them under its authority to report original legislation. There are items in this bill, Mr. Chairman, which come under the jurisdiction of the Committee on Flood Control. There are other items which come under the jurisdiction of the Committee on Interstate and Foreign Commerce. There are other items which come under the jurisdiction of the Committee on Irrigation of Arid Lands. There are items which come under the jurisdiction of the Committee on Railways and Canals.

If the committee can get together in its private office and reach out and take jurisdiction of these different committees, take jurisdiction of matters outside of the improvement of rivers and harbors, and bring them here in an omnibus bill, without the bill going through the basket and being passed upon by the Speaker and of the House of Representatives, then there is no limit to which the committee might not go if it wants to encroach on the jurisdiction of these other committees.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. McDUFFIE. I submit that what the gentleman has just said was duly considered by the Committee on Rules, and the House followed its suggestion, that we consider this bill, regardless of how this bill came to the House of Representatives, regardless of how many points of order the gentleman might reserve. The Committee on Rules has reported and recommended to the House that it consider this bill.

Mr. MAPES. I do not think it necessary to argue that point to the present occupant of the chair.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield to me for a question? Eventually we are going to have to discuss these questions.

Mr. MAPES. Yes.

Mr. CHINDBLOM. I wish to suggest to the Chair that this bill was submitted to the Committee of the Whole House on the state of the Union by the Speaker for consideration by the Committee of the Whole House on the state of the Union. There are certain rules of the House—

The CHAIRMAN. Will the gentleman point out to the Chair when and where that action was taken?

Mr. CHINDBLOM. Well, it is just as much the action of the Speaker in committing it to the Committee of the Whole House on the state of the Union as referring to it a bill which had been dropped in the basket.

The CHAIRMAN. The present practice is to place it on the appropriate calendar.

Mr. CHINDBLOM. Theoretically, however, it is the action of the Speaker committing it to the Committee of the Whole House on the state of the Union.

Mr. CRAMTON. But, Mr. Chairman, the effect of that is not to confer any jurisdiction on the committee that reported the bill, but conferring jurisdiction on the Committee of the Whole House on the state of the Union to consider it. After their consideration they can determine whether or not there is anything in it within the jurisdiction of the committee.

Mr. CHINDBLOM. It is the order of the House to the committee that it shall proceed to the consideration of this bill, and it does not authorize the committee to strike out matters on points of order except where the committee is authorized by the rules of the House to consider points of order.

The CHAIRMAN. The Chair is aware of that. May the Chair suggest to the gentleman from Michigan that he has indicated that this section was subject to certain points of order and has made points of order against particular paragraphs in the section, arguing that the committee was without jurisdiction originally to report on the legislation which these respective paragraphs contain, but the gentleman has not dealt with any specific paragraph as yet.

Mr. DEMPSEY. Will the gentleman yield to me for a moment?

Mr. MAPES. I yield.

Mr. DEMPSEY. The question, may it please the Chair, of objection to the reporting of the bill on the ground that certain provisions in the bill were outside the jurisdiction of the committee, to which attention was called in the House, was brought up before the Speaker in the House and the Speaker ruled that certain things, to which attention was directed, were objectionable, on the ground that the committee did not have jurisdiction, but the Speaker expressly ruled that that went to the specific matters to which attention was directed and did not go to the bill, so that that question has been determined by the Speaker as to this specific bill.

The CHAIRMAN. The Chair was present at the time and has a distinct recollection of the situation. The fact of the matter is that the points of order specifically raised by the gentleman from Michigan at that time were that certain provisions in the bill involved appropriations which the committee had no jurisdiction to carry in a legislative bill; but under the rule such a point of order against an appropriation can be made at any time and without reservation.

The question of points of order based on the reporting of a bill containing subjects over which the committee had no jurisdiction was not touched upon in the House on that occasion.

Mr. DEMPSEY. Let me call the attention of the Chair to this: The sole ground upon which the language was stricken out on pages 13, 21, and 22, was the lack of jurisdiction, and those who made the points of order challenged the reporting of the bill in addition to challenging the language in section 6 and the paragraph on pages 21 and 22. The Speaker overruled the reporting of the bill and held specifically that it did not go—

The CHAIRMAN. The Speaker ruled specifically that the matters in the bill complained of at the time were appropriations and not that the committee had exceeded its jurisdiction over the subject matters which they might deal with, but that it had no right to report appropriations, and in that connection, citing a decision by Speaker Gillett, the Speaker ruled that it only eliminated the paragraphs which contained appropriations and not the other substantive legislative provisions of the bill. However, the point the gentleman from Michigan is now raising is an entirely different question and based on an entirely different rule.

Mr. MAPES. The Chair states the situation accurately. The gentleman from Michigan made the point of order solely upon the two appropriating clauses in the bill.

Now, Mr. Chairman, I have no desire to weary the Chair by the citation of authorities. To me the rule is so clear that I hesitate even to call the precedents to the attention of the Chair. My opinion is that the only question for the consideration of the Chair on the points of order, which I propose to make, is the question of fact in each individual case as to whether the particular item is a canal or whether it is some-

thing else other than an item for the improvement of a river or a harbor.

The CHAIRMAN. The Chair would like the gentleman to point out the various paragraphs in the bill as to which he insists the Committee on Rivers and Harbors exceeded its jurisdiction. That is the point the Chair would like to hear the gentleman on particularly.

Mr. MAPES. I have here a reference, Mr. Chairman, to a point of order made by the gentleman from Illinois [Mr. MADDEN] to an item in a river and harbor appropriation bill in 1919, when the gentleman from Tennessee [Mr. BYRNS] was in the chair.

The gentleman from Illinois made a point of order against an item providing an appropriation of only \$1,000 to clean an artificial canal which was dug years and years before and which had grown up to bushes and was filled with logs. There was an appropriation of \$1,000 to clean the canal, and the point of order against it was sustained. The debate on the point of order was thorough and exhaustive. There are a multitude of other decisions along the same line; but following the suggestion of the Chair, I will call the Chair's attention to the items which I think are improperly in the bill. The first is the paragraph which provides for the digging of a channel or a canal connecting Jamaica Bay with Gravesend Bay in New York. The report of the engineers says it is to follow the general course of Coney Island Creek. A part of Coney Island Creek is not navigable; it is private property; and while the channel is to follow the general course of Coney Island Creek, it does not follow the course of the stream. It is, as a matter of fact, a canal. The report of the engineers says that the State of New York is going to give a right of way. The report contains this language:

A free right of way. This has already been offered by the State of New York for the only section outside the public waters, provided it can be secured within \$1,000,000. The estimate of the State board of conference places the cost at \$882,910.20.

Mr. BURTON. Will the gentleman from Michigan yield for a moment on the facts there?

Mr. MAPES. I yield to the gentleman.

Mr. BURTON. The report of the Board of Engineers is found in Document No. 111, Sixty-eighth Congress, first session. It is perfectly evident this is a canal in its entirety. Coney Island Creek zigzags around on both sides of it, but there is a canal cut through, and, as is stated on page 7, no through navigation is possible. Eastward for half a mile to Sheepshead Bay it is wholly unnavigable.

Mr. DEMPSEY. Mr. Chairman—

Mr. MAPES. Mr. Chairman, I trust the gentleman from New York will not further interrupt. I have been very liberal in yielding.

Mr. DEMPSEY. Has the gentleman finished with this item?

Mr. MAPES. We are reading the bill by sections, I will say to the gentleman from New York, under his leadership, and I am making the point of order to the section, and I hope the gentleman will allow me to proceed.

Mr. DEMPSEY. The gentleman will remember that when I was raising a point of order I yielded to everyone who requested me to yield.

Mr. MAPES. And I have yielded two or three times to the gentleman; and out of deference to the gentleman, and in order to give the gentleman all the latitude he may desire, I yield again.

Mr. JOHNSON of Washington. If the gentleman will permit, this is what we get into when we decide to break the precedents and read a whole section when we should read only a paragraph.

Mr. MAPES. Certainly.

Mr. DEMPSEY. If the Chair please, this is not an artificial waterway at all, and much less is it a canal. A point of order only lies as to a canal. This is a waterway running from Sheepshead Bay through eastward and following a natural waterway, and a map is given in connection with the project. It is simply the improvement of a natural waterway. It is not a canal in any sense or to any extent. It improves Coney Island Creek and makes it navigable from Sheepshead Bay eastward into Gravesend Bay.

Mr. BURTON. Will the gentleman yield for a reference to the report of the Chief of Engineers on page 10?

The State of New York has authorized an expenditure of not exceeding \$1,000,000 to procure the right of way necessary to straighten Coney Island Creek for use as a ship canal.

This is the language of the report.

Mr. DEMPSEY. Oh, the gentleman knows by looking at the map that an engineer who is not a lawyer can not always be

absolutely exact in his use of words. The fact of the matter is, as the gentleman knows from his knowledge of river and harbor conditions and as the gentleman will see by examining the map, this is nothing more than a connecting of Sheepshead Bay with Gravesend Bay by the improvement of a natural waterway running between those two points. It is not a canal; it is simply a natural waterway which we have the right to improve.

The gentleman says this was not referred to the Committee on Rivers and Harbors. This was referred by the Speaker to the Committee on Rivers and Harbors. It came in in the regular way upon a report of the resident engineer, the district engineer—

Mr. BURTON. What does the gentleman mean was referred—the document was referred?

Mr. DEMPSEY. Wait until I have finished. I am telling what was referred.

The CHAIRMAN. The Chair would like to ask the gentleman whether he means a bill covering this project was referred to the committee or that the report was referred?

Mr. DEMPSEY. The consideration of reports is a question which the Speaker determines. He determines whether a report shall go to the Committee on Rivers and Harbors or to some other committee. If it should have gone to the Committee on Interstate and Foreign Commerce he would have referred it to the Committee on Interstate and Foreign Commerce.

The report comes here and goes to the Speaker. It is his business to refer it, and then if any committee of the House thinks it is aggrieved or thinks that the committee to which it is referred does not have jurisdiction or thinks that an error has been made, it is in order in the House to move to rerefer on account of a misreference. This was referred by the Speaker through the House in the regular way to the Committee on Rivers and Harbors, and properly referred, because it is a natural waterway and not a canal.

The CHAIRMAN. The Chair would like to ask the gentleman from New York a question. Does the gentleman contend that the reference by the Speaker to a committee of the House of a report from an executive department authorizes the committee to which the report was referred to report original legislation based thereon or to report a bill based thereon?

Mr. DEMPSEY. The gentleman from New York claims that where a matter is referred to a committee in that way, it is a case of reference by the House. The Speaker is not acting as an individual; he is acting as the Speaker.

The CHAIRMAN. That makes no difference. Suppose the House should refer the report?

Mr. DEMPSEY. Oh, the House can commit an error in jurisdiction. The House could refer to us a matter respecting the issuance of bonds, and if the House did it that would be an absolute answer to any question afterwards raised. That absolutely confers jurisdiction regardless of the rules of the House, and the decisions so hold. That has been always so.

The CHAIRMAN. What the Chair is asking the gentleman from New York is this: If the House, through the Speaker, refers a report to a committee, can that committee report a bill covering the subject matter of that report without first having the bill introduced and referred to it?

Mr. DEMPSEY. How would it be possible for any other rule to prevail? Here is a bill involving probably 200 items. Would it be consistent with the convenience of the House or the orderly progress of the disposition of business as to each item to have a bill introduced and referred to the committee? It never has been done in the history of the House or in the history of the Committee on Rivers and Harbors to have a bill introduced, have the bill referred to the committee. It would mean the introducing of a bill for each project and then having the House bills with each bill combined in a bill afterwards.

The CHAIRMAN. Let the Chair ask the gentleman if the Committee on Rivers and Harbors had introduced this bill in the form it is and it was referred to the Committee on Rivers and Harbors and reported out by the committee it would then have acquired jurisdiction over everything in the bill by reference? Is there any difference in the gentleman's mind with respect to acquiring jurisdiction by specific reference and jurisdiction based on the right to report as provided in clause 56, Rule XXI?

Mr. DEMPSEY. Clause 56, Rule XXI, is not under consideration, and the whole argument of the gentleman from Michigan is based on that. We are not here as a privileged committee. We lost our day; we did not come in under that rule; we came under a special rule. We secured a special rule, so clause 56, Rule XXI, does not apply. If we had come here as a privileged matter with a privileged bill, that rule would apply, but it does not apply.

I will say to the chairman that that question was specifically up in the steering committee. The Speaker of the House was present, and the Speaker said there that this was not a privileged bill and we could not come in under that rule. He said we would have to get a special rule, the ruling to which the gentleman from Michigan refers is a ruling under clause 56, Rule XXI.

It is not under the general rules of the House, and we are not under that rule at all. We are not here with a privileged bill. The decision as to whether we have a right to report on canals is one that we could not claim the privilege conferred by clause 56, Rule XXI.

The CHAIRMAN. Does the gentleman from New York think that securing the right to go into Committee of the Whole House on the state of the Union confers on the committee jurisdiction which they otherwise would not possess?

Mr. DEMPSEY. No; all I am contending—I do not want to say no to that. Frankly, I would not want to say whether we obtained additional jurisdiction or not, except to this extent, that the House took up all the questions raised as to jurisdiction. The House dealt with these questions, and dealt adversely to them as to the bill, but I do not want the Chair to lose sight of this fact to which I have directed his attention—that this is not a canal at all.

All the Chair has to do is to inspect the map to see that it is simply an improvement of a natural waterway, so that it will connect two other bodies of water. It is not to build a special canal, but it is to deepen or straighten a natural waterway which already exists, and over which the Committee on Rivers and Harbors has entire jurisdiction. And I do say that the House could confer jurisdiction by referring the matter to the Committee on Rivers and Harbors, and it did so refer it. If any question was to be raised, it should have been raised in an orderly way by making a motion on the ground that it had been wrongfully referred.

Mr. MAPES. There never was a reference of it.

The CHAIRMAN. The Chair understands the gentleman from New York is speaking of the report of the engineer.

Mr. MAPES. Mr. Chairman, I will next call the Chair's attention to the Louisiana and Texas Intracoastal Waterway item on page 4 of the bill. That again is so self-evident that I dislike to take the time of the Chair and the committee to discuss it. It provides for a waterway 250 or more miles in length along the coast line in the States of Louisiana and Texas. It provides for the purchase of present existing projects, canals. It does not propose, it does not profess—I do not suppose the gentleman from New York even will contend that it proposes at all to follow any existing waterway. The very name of it is an intracoastal canal from New Orleans, La., to Corpus Christi, Tex.

Mr. DEMPSEY. That is a mistake. It is an intracoastal waterway.

Mr. MAPES. An intracoastal canal.

Mr. DEMPSEY. No; it is not a canal.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I decline to yield, Mr. Chairman. I think I ought to be permitted to proceed, so that I will not take too much of the time of the Chair. On page 5 of the report of the engineers on the intracoastal waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.—

Mr. JOHNSON of Washington. Mr. Chairman, is it proposed here in the consideration of these points of order to discuss pro and con all of these various items which we might have discussed under the five-minute rule if we had not overruled the ruling of the Chair?

The CHAIRMAN. The Chair sees no other way in which points of order may be discussed except to take them up serially.

Mr. JOHNSON of Washington. Then I call the attention of those Members who are sitting here at this late hour in an effort to dispose of legislation to what mistakes can be made when enough Members bind themselves together to override the rules of the House, which are made for orderly procedure, and then override the ruling of the Chairman who tries to give effect to the proper rules. One wrong leads to another. We have an example in front of us now.

Mr. MAPES. Mr. Chairman, I am not concerned at this time with the action of the Committee of the Whole House on the state of the Union in overriding the decision of the chairman of the committee. I am making these points of order strictly on their merits. I intended to make them paragraph by paragraph as we reached them under the ruling of the Chair, which I think was in accordance with the precedents and laid down the proper procedure, but the Committee of the Whole House on the state of the Union has seen fit to decide otherwise. That

action, however, I take it, does not deprive any Member here from making points of order against any paragraph in the section. I think several of these paragraphs are subject to points of order, and I therefore make them in entire good faith.

In the report of the Chief of Engineers on this intracoastal waterway project, on page 5 is the following language:

I therefore recommend the provision of a waterway 9 feet deep at the mean low water and 100 feet bottom width between New Orleans and Aransas Pass, Tex., and of the same cross section between the Mississippi and Morgan City via Plaquemine Waterway * * * widening at bends, locks, or guard locks, and railway bridges over artificial gates as are necessary, following the general route proposed by the division engineer.

On page 9 we find the following language:

A channel from New Orleans to Morgan City via the Harvey Canal, 7 feet deep with a bottom width of 75 feet at an estimated cost of \$2,540,000, and \$60,000 annually for maintenance, exclusive of the first cost and of the maintenance and operation cost of the new Harvey locks.

On page 14 of the report is the following language:

The line of the existing canal runs inland from the coast line of the Gulf of Mexico at a distance varying from 2 to 50 miles.

The sentence immediately preceding that sentence says that the entire canal is 295.5 miles in length.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. McDUFFIE. Does the gentleman know that the canal of which he speaks now is already a Government canal or a waterway taken over by the Government, and that it was taken over during the jurisdiction of the chairman of the committee at that time, the gentleman from Ohio [Mr. BURTON]?

Mr. MAPES. As one of my colleagues suggests, that points the moral. That is a canal, and the Committee on Rivers and Harbors has no privileged jurisdiction over it.

Mr. McDUFFIE. It is a waterway that the River and Harbor Committee has always exercised jurisdiction over.

Mr. MAPES. Let me go on. On page 15 of the report we find the following:

Authorized routes: As the authorized routes include Harvey Canal, Harvey Canal No. 2 (also known as Harang), and that portion of the company canal between Bayou La Fourche and Bayou Terrebonne, all to be acquired by purchase.

Certainly, the Government has no jurisdiction, control, or ownership of those canals. An agreement has been reached with the owners as to the purchase price, and funds have been provided, and the transaction will probably be consummated in the near future.

The report speaks of the Harvey Canal No. 2, 7.2 miles; of another canal, which is 11.5 miles long; of the company canal, which is 8.1 miles; and other canals which it enumerates. There is a total distance of canals of 115 miles.

Mr. KINDRED. Mr. Speaker, will the gentleman yield, as a member of the committee?

Mr. MAPES. Yes.

Mr. KINDRED. To go back to what constitutes a canal—

Mr. MAPES. Mr. Chairman, let me say to the gentleman that he will have an opportunity to argue that to the Chairman after I am through.

Mr. KINDRED. I want to refer to the gentleman's definition as constituting a canal, a waterway between Gravesend Bay and Jamaica Bay—

Mr. MAPES. Oh, we passed that temporarily. I decline to yield to go back to that item at present.

The CHAIRMAN. The gentleman declines to yield.

On page 19 of the report paragraph designated "B."

Authorized routes: The authorized route contemplates the purchase of the Hanson Canal, and arrangements for its acquisition are about perfected. The recent decision by the United States Supreme Court in proceedings against the condemnation of the canal for public purposes was favorable to the Government. The purchase price fixed was \$65,000.

Then the report goes on to describe a number of other canals in the next paragraph, making a total distance of 108.3 miles.

The ruling depth at mean low gulf is 5 feet. The United States owned a strip of land 300 feet wide from Vermillion Bay to Grand Lake.

On page 21 is a description of other canals. On page 25 is this statement:

Authorized routes: This section begins at the Brazos River near the termination of the Galveston-Brazos Canal, passes through a series

of shallow lakes to a land cut, thence through Jones Lake and Creek to the San Bernard River, entering it about one-half mile above its mouth.

Later on in the paragraph the report speaks of another land cut. I could go through this report and show an innumerable number of instances where canals are taken over. And, as I said before, it is not even proposed that this canal will follow any existing waterway. That is one of the very things they are trying to get around, to get in from the coast line and to cross other existing waterways, and the natural waterways down there all run in an opposite direction.

Mr. JOHNSON of Texas. As a matter of fact, the proposed canal cuts across the rivers?

Mr. MAPES. Yes; that is conceded by everybody. On page 5 of the bill, with the paragraph beginning with line 7—

Mr. DEMPSEY. Will the gentleman yield?

Mr. MAPES. I ask that I may be allowed to finish.

Mr. DEMPSEY. May I inquire—

The CHAIRMAN. The gentleman declines to yield.

Mr. MAPES. Mr. Chairman, the paragraph beginning in line 7 is as follows:

Mississippi River, between Missouri River and Minneapolis, that, according to the report of engineers, involves a water-power proposition as well as improvement of rivers and harbors for navigation purposes.

The item beginning in line 12 on the same page, 5, "Mill Creek and South Slough at Milan, Ill.," that involves a project for reclamation of lands and the settlement of claims for damages of property owners. It also provides a project for an inverted siphon, Mr. Chairman, to pull the water either under or over a canal, I have forgotten which, between two natural waterways. Document 148, Sixty-ninth Congress, first session—referred to in this paragraph, provides for that. Why, Mr. Chairman, the chairman of the committee [Mr. BYRNS] five years ago decided you could not even clean a present existing artificial channel which existed for years or take out of it the brush and logs in it in order to connect two natural waterways, but here the Committee on Rivers and Harbors in this Congress proposes to build or to construct, or whatever you may call it, an inverted siphon to draw water from one natural waterway over or under a canal to another natural waterway. Here is the paragraph in the report of the engineers.

The situation has been recently materially changed by the local organization of the Big Island drainage and levee district, which contemplates reclamation of farm lands in the neighborhood of Milan. As a result of the efforts of this organization, local interests appear to be unanimous in requesting adoption of the plan first proposed by the board in 1922 for the construction of a siphon to carry the waters of Mill Creek under the canal into Rock River.

Mr. Chairman, did anyone ever hear of such a thing coming under the jurisdiction, the privileged jurisdiction of the Committee on Rivers and Harbors, and yet that is provided for in the report of the Chief of Engineers. Why, the Chief of Engineers might make a report, under the theory of the gentleman from New York [Mr. DEMPSEY], recommending the building of a transcontinental railroad in some document. That would not give the Committee on Rivers and Harbors privileged jurisdiction to report it without being put through the basket and without letting the Membership of the House know anything about what legislation was being considered by it. Such a provision would not be a bit more ridiculous than it is for the Committee on Rivers and Harbors to report an authorization according to a document of the Chief of Engineers to build a siphon to connect two waterways. The Chief of Engineers says:

I therefore report that it is advisable to adopt a project for the diversion of Mill Creek, Ill., into Rock River in the vicinity of the town of Milan by an inverted siphon under the Illinois and Mississippi Canal.

Mr. LAGUARDIA. Is the gentleman reading from the House document number referred to in the bill?

Mr. MAPES. Yes. It is House Document No. 148, Sixty-ninth Congress, first session.

Mr. LAGUARDIA. In which absolutely this project is described?

Mr. MAPES. Absolutely. There is no more force in the argument of the gentleman from New York [Mr. DEMPSEY] that the Committee on Rivers and Harbors acquires jurisdiction of these subjects because of the reports of the engineers than there would be to say that the Committee on Ways and Means acquires jurisdiction of everything reported or mentioned in the President's message because it is referred by the House to the Committee on Ways and Means.

Now, Mr. Chairman, I am not going to take any more of the time of the Chair, except to say this: That other Members of the House intend to make points of order against and discuss certain other items in this section. Before I sit down I want to call the attention of the Chair a little more fully than I have heretofore done to the decision of Chairman BYRNS on January 11, 1919, during the consideration of the river and harbor bill. The item under consideration there was this: A waterway between Beaufort, S. C., and the St. Johns River, Fla., for maintenance, \$36,000, and completing the improvement of General Cut, Ga., House Document 581, Sixty-third Congress, second session, \$1,000; completing work on Black River, Ga.; and so forth.

The gentleman from Illinois [Mr. MADDEN] made a point of order against this language in the paragraph:

Completing improvement of General Cut, Ga., in accordance with House Document 581, Sixty-third Congress, second session, \$1,000.

Here is an item in this intercoastal waterway that involves \$9,000,000. Let me call the attention of the Chair to the forceful argument of the gentleman from Illinois [Mr. MADDEN] and point out how it applies to this very situation that we now have here before us. The gentleman from Illinois said at that time:

There can be no question about the fact that this is an artificial waterway and that it was cut through the solid earth; that there was no water on both ends of it before the improvement was made; and whether the cut was made last week or last century or the century before it seems to me, it makes no difference. If this item is held in order, it will be perfectly appropriate for the Committee on Rivers and Harbors to report in favor of a cut not only of 2,000 feet but of 2,000 miles to connect two natural waterways, because the same principle will apply, regardless of what the length of the cut may be. Now, we are establishing a very unfortunate precedent if we permit this committee to report on a matter of this sort, because while this particular item of itself is of no great importance and may not cost much money it may well turn out to be a very expensive experiment, for if this is sustained as in order what will prevent the next River and Harbor Committee from coming in here and calling attention to this precedent and recommending an expenditure of \$5,000,000 or \$100,000,000 for the purpose of connecting two natural waterways?

The Chairman of the committee [Mr. BYRNS] reviewed the situation and said:

In the view of the Chair, this is simply a question of fact as to whether or not this paragraph relates to the improvement of a canal. It is stated by the gentleman from North Carolina that this is an existing waterway, but the gentleman from North Carolina also states that it does not exclusively consist of a natural waterway.

Mr. BYRNS sustained the point of order.

Now, Mr. Chairman, without taking the time of the Chair any further, I merely wish to say that Mr. BYRNS, the Chairman, in the consideration of that river and harbor bill, ruled out of order an item providing for the construction of levees. He ruled out of order an item declaring that a stream was nonnavigable. He ruled out of order an item providing for the Mississippi River Flood Control Commission. In the Sixty-fifth Congress the Chairman of the Committee, Mr. HARRISON, of Mississippi, ruled out of order an item providing for water power, or, rather, it was withdrawn. He ruled out of order an item providing for the survey of Columbia Canal.

He ruled out of order an item providing for flood protection. He ruled out of order an item providing for the diversion of flood waters. He ruled out of order an item providing for the use of surplus waters by municipalities; also an item giving the consent of Congress to certain States to enter into compacts to improve navigation, an item granting authority to private persons to construct inlets, an item declaring streams nonnavigable; and an item providing for the acceptance of lands or easements conveyed by private persons or corporations for river and harbor improvement. He ruled out an item providing for the crediting of amounts paid for rental of Government river and harbor equipment to appropriations for the improvement of rivers and harbors and an item legalizing the maintenance of a wharf, and an item for the creation of a waterways commission, and so on almost ad infinitum.

The only items that are in order in this bill are those providing strictly for the improvement of rivers and harbors.

Mr. DEMPSEY. Mr. Chairman, I desire first to refer to the Texas project. The Texas project consists of two distinct parts. The one is from New Orleans to Morgan City and the other is from Galveston to Corpus Christi. Let us take those up separately, because they are treated separately in the books. Both of these projects are not new projects. They were both adopted by the Committee on Rivers and Harbors and by the House under bills introduced by the Committee on Rivers and

Harbors. They have been improved at different times. The projects have been changed from time to time under river and harbor bills. Appropriations were made for them by the Committee on Rivers and Harbors so long as that committee had appropriating authority. They have been under the authority of the Committee on Rivers and Harbors from about 1907 until this day.

Now, I will give the date of a few of the projects. We are talking not about what the gentleman's imagined situation is at all. We are talking about a real situation, about what exists, and not about the digging of canals. There is an inland waterway in Texas. There are two ways to reach that inland waterway. One is by what is called the Plaquemine route and the other is the Harvey route. The Harvey route extends from New Orleans to Galveston Bay. By the way, we adopted last year a project for the deepening of the part from Morgan City to Galveston Bay, and this includes only the part from New Orleans to Morgan City. I am reading from the report of the engineers, part 1, page 549. The project was approved July 18, 1892, so that that is over a third of a century ago, and was modified by the river and harbor act approved July 8, 1896. Under the river and harbor act approved June 13, 1902, the Galveston and Brazos Canal was purchased at a cost of \$30,000 and turned over to the United States in December, 1902. That was the west branch from Galveston.

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SOSNOWSKI. I want to ask the gentleman whether it is not true that this waterway through the intra-coastal canal is being put through chiefly for the benefit of the Texas Gulf Sulphur Co., which owns most of the property there?

Mr. DEMPSEY. Mr. Chairman, I ask that that question be stricken out as an improper question.

Mr. SOSNOWSKI. It is not improper.

The CHAIRMAN. The Chair has no power to strike it out.

Mr. BURTON. I would like to ask the gentleman from New York whether he is quite correct in saying that the bill which was passed in 1925 provided for that particular waterway from New Orleans to Morgan City?

Mr. DEMPSEY. No; I did not say that.

Mr. BURTON. But it did provide for a waterway from New Orleans to Galveston Bay?

Mr. DEMPSEY. Absolutely; that is right.

Mr. BURTON. For what does this provide?

Mr. DEMPSEY. This provides for the distance from New Orleans to Morgan City and for the distance from Galveston Bay to Corpus Christi.

Mr. BURTON. Now, does it?

Mr. DEMPSEY. Yes.

Mr. BURTON. The bill contains this language:

Provided, however, That the section from Galveston to the vicinity of Gulf, Tex., shall be constructed as recommended by the Board of Engineers for Rivers and Harbors.

I do not like to interrupt the gentleman from New York, but we ought to know about this. Did not the Board of Engineers for Rivers and Harbors recommend that this waterway be carried only to a place called Gulf, which is in or near Matagorda Bay? The Chief of Engineers, in reviewing that report, said he believed in carrying it further, carrying it to Aransas Pass and Corpus Christi, which is clear on to the international boundary.

Mr. DEMPSEY. No; that is not the international boundary.

Mr. BURTON. Well, it is near the international boundary, anyway. Now, here is very singular language in the bill:

In accordance with the report submitted in House Document No. 238, Sixty-eighth Congress, first session, and subject to the conditions set forth in said document: *Provided, however,* That the section from Galveston to the vicinity of Gulf, Tex., shall be constructed as recommended by the Board of Engineers for Rivers and Harbors.

The Board of Engineers for Rivers and Harbors only recommended that it be extended to Gulf, in Matagorda Bay.

Mr. McDUFFIE. I beg the gentleman's pardon. There is a difference as to whether they should go inland or out in the bay, but they did recommend that it go on to Corpus Christi.

Mr. MANSFIELD. No; that was the Chief of Engineers.

Mr. BURTON. I am correct about the Board of Engineers for Rivers and Harbors, am I not?

Mr. MANSFIELD. The gentleman is correct. The board carried it as far as Gulf and the Chief of Engineers said it should go to Corpus Christi.

Mr. DEMPSEY. The gentleman from Alabama has placed his finger on what the gentleman from Ohio refers to. It was recommended that the recommendation of the Board of

Engineers be followed as to a particular part of the route, a short distance of the route from Galveston Bay to Gulf.

Mr. BURTON. It is by no means a short distance. It is from Galveston to the River Brazos and then from the River Brazos on to Matagorda Bay or to Gulf. It is a very considerable distance and not a short distance. Now suppose the Budget Committee were making up an account of this, what would they say and what does the gentleman say is the amount authorized to be expended?

Mr. DEMPSEY. It is \$4,000,000 and something.

Mr. BURTON. It is a good deal more than that, is it not?

Mr. DEMPSEY. It is \$4,000,000 for the part from New Orleans to Morgan City and \$2,200,000, I think, from Galveston on to Corpus Christi, which makes a total of \$7,000,000 for the two projects.

Mr. BURTON. I would like the gentleman to understand that here you are appropriating millions and millions, and does not the gentleman think this language is exceedingly indefinite? How does the gentleman think the Budget Committee, or any other committee passing on that, would know how much to appropriate?

Mr. DEMPSEY. Well, I think it is perfectly clear. If the gentleman will let me explain to him the history of the project I think he will understand it perfectly.

Now, may it please the Chair, I come back to this question. There are two parts of this intracoastal waterway which are involved in this bill. The one is from New Orleans to Morgan City and the other is from Galveston Bay to Corpus Christi. I call the attention of the Chair to this fact, that beginning with 1892 the Committee on Rivers and Harbors has dealt successively and many times in a legislative way with the part of this waterway from New Orleans to Morgan City. They dealt first in 1892; they dealt next in 1902; they dealt next in 1907, and there were several other times we have dealt with it.

A complete history of it is to be found in another volume, but again and again, ever since this has been a waterway, the Committee on Rivers and Harbors has dealt with this waterway as questions have arisen in regard to it and needed improvements have had to be made. The existing project was adopted in 1907.

Mr. BURTON. I dislike to interrupt the gentleman from New York, but does not the gentleman realize that all of the canals that were constructed under those different bills were 5 feet deep and 40 feet wide, and does not the gentleman recognize that a project for 10 feet in depth or 9 feet and 100 feet in width is absolutely a new project?

Mr. DEMPSEY. No; he does not. He realizes just the contrary.

Mr. BURTON. Does he not realize further that this route is altogether different, and I call the attention of the Chair to the map. They are in nearer the shore or in the marsh. They follow different routes from the old 5 feet in depth by 40 feet in width canals. This is an entirely different location and a different project, both in the width and depth as well as in the location.

Mr. DEMPSEY. I would suggest, Mr. Chairman, that the gentleman make his argument in his own time. I yielded to him simply for the purpose of asking a question.

All I do say—and I say this, and the reports bear me out in it—is that since 1892 continuously, again and again—not once but many times, whenever the question has arisen—the Committee on Rivers and Harbors has exercised jurisdiction over this waterway. It is no new thing. In order to determine that the Committee on Rivers and Harbors had not jurisdiction, the Chair would have to overrule the precedents for one-third of a century because the precedents have existed for that length of time.

Mr. MAPES. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman.

Mr. MAPES. I would like to call the attention of the gentleman from New York to this fact: There is a difference between the jurisdiction of the Committee on Rivers and Harbors acquired through proper reference of legislation to the committee by the Speaker in the House and an attempt to report legislation as privileged matter or without such reference.

Mr. DEMPSEY. I would say in answer to the gentleman's suggestion that this is not reported as privileged matter. The gentleman has stated that repeatedly. It is reported entirely under a special rule, and it was held that we did not have privilege. It is reported as a bill under this rule and not as a privileged bill. Next, I would say to the gentleman, ever since I have known anything about the Committee on Rivers and Harbors as a member of the committee, and in all the time I have been in the House, the course followed is the regular course and the course which has always been adopted with regard to all these projects.

Then I come back to the question that, as I say, for a period of one-third of a century the Committee on Rivers and Harbors has had jurisdiction over this waterway from New Orleans to Morgan City uninterruptedly, without question, and again and again has exercised that jurisdiction, and during all the time that it had power to appropriate it appropriated money for this waterway.

Now, let us come to the other part of the waterway.

Mr. MANSFIELD. Will the gentleman yield to me just a moment there?

Mr. DEMPSEY. Yes; I yield to the gentleman from Texas.

Mr. MANSFIELD. I would suggest to the gentleman from New York—

Mr. SCHAFER. Mr. Chairman, I make the point of order that it is apparent there is not a quorum present. This discussion is important and the Members should be here, in view of the vote which was taken a few moments ago.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order there is not a quorum present. The Chair will count. [After counting.] One hundred and twenty-one Members are present, a quorum.

Mr. DEMPSEY. Mr. Chairman, the part from Galveston to Corpus Christi was dealt with previous to this time in two separate parts, and I call the Chairman's attention to the report of the Chief of Engineers and I am reading now from page 949 of the report:

The existing project was adopted by the river and harbor act of March 2, 1907.

Mr. MADDEN. Who was the chairman of the committee then?

Mr. DEMPSEY. I take it, it was during the chairmanship of the distinguished gentleman from Ohio [Mr. BURTON].

Under date of September 19, 1922, we adopted legislation with regard to the Texas part of the project. I will take that back, Mr. Chairman. There was only a recommendation. Congress did not act on that. I want to make my statements absolutely accurate. But we have had jurisdiction of this part of the project since 1892. The project was adopted by the rivers and harbors act adopted July 13, 1892, and modified by the rivers and harbors act approved July 8, 1896. Under the river and harbor act approved June 13, 1902, the Galveston and Brazos Canal was purchased at a cost of \$30,000, and turned over to the United States in December, 1902.

So we have had jurisdiction there also from 1892 continuously down to the present time, and we have exercised that jurisdiction not only of the waterway but for its purchase originally.

Now, we come to another section, and I am reading now from page 952 of the same report:

The existing project was adopted by the following river and harbor acts: The act of June 25, 1910, and the act of March 2, 1919.

So we have had jurisdiction there since 1910, and have exercised it repeatedly.

I come now to the remaining branch of the waterway; and I am reading from page 955 of the report:

The existing project was adopted by the river and harbor act of March 2, 1907. The river and harbor act of July 25, 1912, contained a provision authorizing the Secretary of War to change the route of the channel so as to pass by the town of Fort O'Connor, Tex., and to expend available funds for this work instead of maintaining the channel along its former route.

The same thing is true on page 958, where we find reference to the river and harbor acts of 1907, 1910, and 1922.

During all these periods we not only have adopted legislative provisions, we have not only authorized purchase and then improvement, but we have appropriated from time to time for maintenance as well as improvements; and it is a history of one-third of a century.

I am now only going to say one word about these other projects—

Mr. MANSFIELD. Will the gentleman from New York yield to me?

Mr. DEMPSEY. Yes; I yield to the gentleman from Texas to state the facts as to this being a natural waterway.

Mr. MANSFIELD. I will state, Mr. Chairman, that the portions of the waterway to which the gentleman from Michigan [Mr. MAPES] referred a while ago were every one in that portion of the bill which was adopted in 1925, and the section in Texas is an improvement in existing bays, most of them ranging from 5 miles to 30 miles in width.

So far as the report of the Board of Engineers and the Chief of Engineers on the route from Galveston to the Gulf, I will say that they take the same route with the exception of 14 miles to Galveston Bay. The Board of Engineers provided

for a channel at the coast side of the bay, while the Chief of Engineers provided for the existing route through the middle of the bay. After you leave Galveston Bay they take the same course; that is, 60 miles farther, and there is no difference between the route provided by the Board of Engineers and the Chief of Engineers except the route through Galveston Bay of 14 miles.

Mr. SOSNOWSKI. I want to say that since this discussion began of the waterways through Louisiana and Texas the Texas Sulphur Co. stock has risen from \$115 to \$142 a share.

Mr. MANSFIELD. I know nothing about that; I do not own any stock in the company.

Mr. CANNON. Will the gentleman from New York yield?

Mr. DEMPSEY. Yes.

Mr. CANNON. Is this a discussion on a point of order against the bill?

Mr. DEMPSEY. It is.

Mr. CANNON. If the gentleman will permit a suggestion?

Mr. DEMPSEY. I yield to the gentleman from Missouri.

Mr. CANNON. If the point of order is that the committee has no authority to report the bill, then, regardless of the merits of that contention, it may be suggested that it comes too late. Consideration has already begun, general debate has been concluded, and it has now been taken up under the five-minute rule. Under those circumstances it is too late to make a point of order that the committee exceeded its jurisdiction in reporting the bill. Permit me to cite to the Chair section 6888 of Hines' Precedents, where it was held that such a point of order should be made when the matter is presented and not after consideration has begun.

The following section provides that after the House has entered upon the consideration of the bill it is too late to make a point of order that it is not properly reported from the committee. That is precisely the question here.

Mr. CRAMTON. Will the gentleman distinguish between the right to make a point of order as against the whole bill and the right to make a point of order against a particular provision in the bill? The basis of the gentleman's decisions is on a point of order against the whole bill. The precedents do not sustain the gentleman in making a point of order against a particular provision when the provision is reached.

Mr. CANNON. If any particular item in the bill is out of order the whole bill is out of order. Therefore, if the point of order is good on any item it is good on the whole bill.

Mr. CRAMTON. The Chair has made a decision as to that proposition that after general debate and consideration it is too late to make it against the whole bill but not too late to make it against one provision in the bill.

Mr. CANNON. I did not have an opportunity to hear the decision of the Chair on that point, if made, but I think it will be conceded that while it may not be too late to make the point of order that it violates some other rule of the House, it is too late to make a point of order that the bill was not properly reported by the committee.

Mr. CRAMTON. This is a point of order to a particular provision.

Mr. CANNON. The decision that I have quoted from Hinds' Precedents holds that after the House has entered upon the consideration of the bill, it is too late to make a point of order that it was not properly reported from the committee.

The CHAIRMAN. That is, the point of order on the whole bill.

It has been the uniform practice of the House, under which item after item has been thrown out on points of order reserved in the House before the committee commenced consideration of the bill.

Mr. CANNON. The gentleman from Michigan proposed to reserve points of order against the bill when it first came up. A demand was made for the regular order. That required any points of order sought to be reserved to be made at the time.

The CHAIRMAN. Where does the gentleman find that decision? Does he refer to section 5689?

Mr. CANNON. Is that the decision holding that reservations of points of order apply only to general appropriation bills?

The CHAIRMAN. The Chair thinks that is what the gentleman has in mind.

Mr. CANNON. And this not being an appropriation bill, therefore it would not be in order to reserve points of order.

The CHAIRMAN. The gentleman recalls, does he not, that the point of order was sought to be reserved on a bill introduced in the House, referred to the Committee on the District of Columbia, and reported back from that committee? Consequently it was not a bill sought to be reported by virtue of original jurisdiction of the committee, and nothing in it was subject to the point of order. Therefore, there was no reason

for the reservation of a point of order; but that is not this case.

Mr. CANNON. Of course, when this bill has once been presented and has been brought into the House and the House has voted to go into the Committee of the Whole House on the state of the Union to consider it, all such propositions are waived.

The CHAIRMAN. Not with the point of order reserved.

Mr. CANNON. The Speaker, although he recognized the gentleman on that occasion, did not announce his reservation of points of order, and the proposition as to whether it was properly referred to the committee is wholly immaterial, because the House has by vote determined to go into the Committee of the Whole House on the state of the Union to consider it. Any point of order against the report would now come too late.

The CHAIRMAN. But points of order may be reserved where bills are referred by reason of original jurisdiction reported by the committee, and in Committee of the Whole House on the state of the Union the points are raised against such sections or paragraphs as are subject to the point of order. That is the usual practice and has been followed invariably in the consideration of river and harbor bills, and under such reservation of points of order items have gone out of river and harbor bills both at the time when such bills carried appropriations and subsequent thereto.

Mr. CANNON. Mr. Chairman, I read from section 6926 of Hinds' Precedents:

Points of order are reserved at the time of reference to Committee of the Whole only on appropriation bills.

May 14, 1906, Mr. Joseph W. Babcock, of Wisconsin, moved that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported from the District Committee.

Mr. Sydney E. Mudd, of Maryland, interposed to reserve points of order against the bills.

The Speaker held that as they were not appropriation bills, such reservation was not called for.

In the Fifty-fifth Congress a similar question was raised. I read from section 6895 of the precedents:

As the consideration of the bill was about to begin Mr. James D. Richardson, of Tennessee, raised a question as to points of order.

The Chairman said:

The points of order were reserved in the House before going into the Committee of the Whole. * * * If there is any general point of order against the bill, it should be made now. * * * Of course, any point of order as to a paragraph can be made after the paragraph is read.

After some debate had occurred Mr. John Dalzell, of Pennsylvania, made the point of order that it was not competent for the Committee on War Claims to report the bill.

The CHAIRMAN. The Chair would like to ask the gentleman from Missouri a question. Is the gentleman familiar with the precedent which has been used repeatedly here since 1885, the decision in the Committee of the Whole House on the state of the Union under which the Hennepin Canal was ruled out of a river and harbor bill? Is not that precisely on all fours with the points now being made?

Mr. CANNON. The Chairman presiding at that time answers the question.

The Chair has been examining the bill and report. The Chair finds by the report that this bill is a substitute for House bill No. 4255 and includes nearly all of the claims embraced in that bill. The embarrassment of the Chair is in reference to the time when the point of order should be made. The Chair expressly announced that the point of order should be made at a certain time when the question was raised whether there was any point of order against the bill, and no gentleman rose to make a point of order.

In this case the gentleman reserved the point of order, and the regular order was demanded.

The CHAIRMAN. Does the gentleman hold that if points of order are reserved on a general appropriation bill anyone by demanding the regular order may compel the making of the points at that time?

Mr. CANNON. Most assuredly. If the regular order is insisted upon, they must be made then or not at all.

Mr. DEMPSEY. Mr. Chairman, I am going to cease discussing the Texas waterway with just these words, that the Committee on Rivers and Harbors has had sole, exclusive, uninterrupted, undisputed jurisdiction of all these waterways for a third of a century, and it would be unprecedented to overrule that authority at this time.

I come next to the Moline Harbor item.

Mr. CRAMTON. Would the gentleman yield for a moment before we get entirely away from the point raised by the gentleman from Missouri [Mr. CANNON].

Mr. DEMPSEY. I do not want to discuss him.

Mr. CRAMTON. I would like to get this precedent before the Chair, if the gentleman will yield.

The CHAIRMAN. Before the gentleman exercises the privilege granted him by the gentleman from New York [Mr. DEMPSEY] in yielding, the Chair desires to say to the committee that all of this discussion is for the benefit of the Chair himself, for the purpose of guiding him in his ruling on points of order. The Chair would suggest to the gentlemen that having made a point as to whether jurisdiction is vested in the committee or whether the committee lacks jurisdiction on this, that, or the other project in this section, that gentlemen be as brief as possible. The Chair is interested at this stage of the proceedings only in whether various items to which points of order have been made are within the jurisdiction of the Committee on Rivers and Harbors.

Mr. DEMPSEY. Mr. Chairman, I have finished my discussion of the Texas matter, and I want now to take about three minutes in respect to the Moline Harbor matter. The report of the Chief of Engineers shows that a 6-foot channel for navigation purposes can be obtained in one of two ways, and he recommends the cheaper way to get that 6-foot channel, that a project for navigation on the Mississippi River be so modified that they can get the 6-foot channel, which Congress heretofore adopted.

I am not going to say a word about the last item, and that is the item in Illinois, except simply that that is a matter where the Chief of Engineers tries to settle a damage growing out of river and harbor improvement. I am not going to say whether it is within our jurisdiction or not. If the Chair sees fit to cut it out, all right; but these other items, every one, seem to me to be clearly and wholly within the jurisdiction of this committee.

The CHAIRMAN. The Chair would like for his enlightenment to get clear from the gentleman from Ohio [Mr. BURTON] if he desires to discuss the point of order against page 6, line 4, and the lines following, in reference to the Illinois River project.

Mr. BURTON. Mr. Chairman, before dwelling upon the main subject I wish briefly to state some facts which may be of interest to the Chair in regard to prior provisions in the bill. The second provision, the waterway connecting Gravesend Bay with Jamaica Bay, N. Y., is a new project. It is clearly a canal and along the line of Coney Island Creek; and if you will examine the diagram, the creek is like a snake that winds in and out. It is cut into three parts. It is clearly a canal; there is no question about that.

Now, in regard to the waterway from Galveston Bay west, it is maintained that for three years there has been jurisdiction in the Rivers and Harbors Committees. Now, if there is one point that is clear in regard to river and harbor improvement, it is that greater depth or greater width or following a different course is a new project. The old projects to which reference has been made, and there have been quite a number, were 5 feet in depth and 40 feet in width. This is 9 feet in depth by 100 feet in width.

Mr. McDUFFIE. If the gentleman will yield, is not that a modification of the old project?

Mr. BURTON. It is not a modification; it is a re-creation and a new project entirely.

Mr. McDUFFIE. But where they use largely the old project, therefore it is a modification?

Mr. BURTON. No.

Mr. McDUFFIE. The Rivers and Harbors Committee have always exercised jurisdiction.

Mr. BURTON. Let me read this from the Chief of Engineers report:

As a favorable report on this section is now before Congress, further information and report thereon is not deemed necessary, except to strongly recommend a change of alignment from the open waters in West Galveston Bay and Matagorda Bay to the salt marsh along the north shore.

It is not only different dimensions and a new project but it is even in a different locality. What do the engineers say of the rivers and channels existing:

Consistently throughout the whole route herein proposed the open waters of bays and lakes have been by-passed. The above-described change of routes, conforming with this plan, is even more important than elsewhere and is absolutely essential to the success of the Galveston-Gulf section.

Now, Mr. Chairman, I do not feel like taking the attention of the committee, and especially not the Chair's, to those two

projects for a longer time, but they are clearly canals. Examine the map and the route down there. If there was a canal 5 feet deep and 40 feet wide before that time, that does not make it an established project, because the present one is of different dimensions and in different location. Now, I have not examined the big project examined by the gentleman from Michigan [Mr. MAPES], so I do not desire to say anything about them; but I wish to call attention to this Illinois River project and make the point of order that the Committee on Rivers and Harbors had no jurisdiction. Now let me read it:

The Illinois River, Ill., in accordance with the report submitted in Rivers and Harbors Committee Document No. 4, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document.

That may be said to be the substantive portion of it, referring to a certain document and adopting this Illinois River project—

Provided, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan, or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan, for sanitation and for navigation, or for any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

marked difference between this paragraph and those preceding

The most careless reader in reading this bill will note the it. In the case of the adoption of projects before in every case there is a reference to a House document numbered so and so.

What is a House document? It is a report sent in to the Speaker of the House from the Chief of Engineers, transmitted by the Secretary of War, giving an account of a survey. What is that survey? It is made in pursuance of an order of the Congress under which, first, there is what is called a preliminary examination, and if the result on that preliminary examination, which is rather a superficial affair, is favorable, then under the direction of the Chief of Engineers a detailed survey and estimate may be made. But that is only in pursuance of authority given by Congress.

Now what of this project for the Illinois River? "In accordance with the report submitted in Rivers and Harbors Committee Document No. 4"—not a House document, not a survey ordered by Congress, not a detailed estimate—but in pursuance of a request from the Committee on Rivers and Harbors.

Now, let us call attention to the public policy of this in the first place. You and I, my fellow Members, who do not belong to the Committee on Rivers and Harbors, have to go through this routine which I have just outlined. We have to introduce a bill or resolution, which must be reported by the Committee on Rivers and Harbors. We must have legislative action upon it, on which there is postponement for at least a year. But this favorite coterie of the Rivers and Harbors Committee, if this procedure is a proper one, can send down a letter any day to the Chief of Engineers asking him to make a report on a prior report. That comes in, and lo and behold, the authorization comes in.

I say that is not fair. That is giving to them a preference which is utterly unauthorized and absolutely unjust to the rest of the membership of this House.

Now, I can see under what authority they thought they had the right to do this. There was an original provision in the act of 1902, which was modified somewhat in 1913, defining the authority of the Board of Engineers, and providing—

The said Board of Engineers on Rivers and Harbors shall by request or resolution from the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives, submitted to the engineers, examine and review the report of any examination or survey made pursuant to any act or resolution of Congress and report thereon to the Chief of Engineers, provided that in no case shall the board in response to a resolution extend the scope of the project contained in its original report or in the provision of law authorizing the original examination or survey.

Now there have been two reports, one numbered House Document 50, Sixty-first Congress, first session, and the other numbered 1374, Sixty-first Congress, third session. There had also already been two requests by letter from the Committee on Rivers and Harbors to the Chief of Engineers. The answers to those letters were not satisfactory, evidently. After the first one they asked for another, which did not please them at all, and then they wrote this letter in 1922 asking for the review not only of these two documents, No. 50 and No. 1374, but of the two letters that had been sent by the committee.

Now, let me call attention to what was contained in one of these letters. There was a recommendation by the Chief of Engineers that by reason of the lowering of the lake level all damages along the Illinois River should be paid by the permittee of the Sanitary Drainage District of Chicago. Of course,

they did not like that. Then they sent another letter. In this final letter let us see what they asked and whether it was within the scope of the original resolution.

The committee, not content with the contents of the prior report, requested this review to be made with a view to ascertaining and reporting the cost of constructing certain channels of specified widths and depths, including separate estimates for each of these channels. Now, see how they went beyond anything that had gone on before: The inquiry was for the basis of the specifications of the withdrawal of water from Lake Michigan; they asked what should be done under diversions of larger amounts of water, and the answer came back, giving figures for diversions up to 10,000 cubic feet.

Mr. ABERNETHY. Mr. Chairman, I raise the point of order that the gentleman from Ohio is not discussing the point of order now pending before the Chair, but is talking about this question of the withdrawal of water from Lake Michigan.

Mr. BURTON. I am making the point, Mr. Chairman, that the Committee on Rivers and Harbors went entirely outside of their authority and outside of the prior report. Now, what did they do?

The CHAIRMAN. The Chair would like to ask the gentleman from Ohio this question: Does the gentleman from Ohio contend that the authorization of the project is limited by the terms of the original report?

Mr. BURTON. It was stated here a few days ago that there had not been adopted a single project except in consequence of a prior report. The question was asked as to when the Sanitary District of Chicago can have in operation sewage-treatment plants capable of treating the sewage with the amount of water recommended in accordance with the plan for the channel recommended. This is outside of their prior report.

Mr. MADDEN. Does the gentleman contend that the permit for the diversion by the Secretary of War placed under him the supervision and control over the attitude of the Sanitary District of Chicago in fulfillment of the obligation placed there, and that it was not proper to ask for information of the engineer who had control over it? Does the gentleman contend that they ought not to ask for information of the man who has jurisdiction?

Mr. BURTON. What did the Rivers and Harbors Committee have to do with the diversion of water from Lake Michigan? What had they to do with it?

Mr. MADDEN. The gentleman can tell the House.

Mr. McDUFFIE. We are not assuming to have jurisdiction.

Mr. BURTON. The proviso in this Illinois River item reads:

Provided, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

That is in the nature of a confirmation of those permits. Now, what did the Rivers and Harbors Committee have to do with that? A permit was given by the Secretary of War for a certain diversion. The Secretary of War conferred with the Secretary of State, and it was agreed that this diversion is for sanitary purposes only. In answer to a question transmitted from Canada, our Secretary of State gave official notice that this diversion is for sanitary purposes only; and yet all through this letter and all through this report there is interspersed provisions in regard to navigation and the amount required for different kinds of navigation.

Now, Mr. Chairman, in the first place let me call attention to the bald injustice of allowing a committee, which had twice asked for letters and was not suited with them, to ask for a third letter or report on this waterway. Next, they went clear outside of the proper domain of the Rivers and Harbors Committee. The engineers, no doubt feeling that they were in so close touch with the Rivers and Harbors Committee, made a response which, if they had been free to act, they probably would have said they would not make.

Let me call attention to another thing. The answer by the engineers to this letter was one time sent back to the division or the local engineer for a further answer and modification of his report, and this, I may call it, monstrosity has come in here by this tortuous route and in this illegal manner.

I submit, Mr. Chairman, that this provision is entirely out of order and should be stricken from the bill. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, I had some part in the preliminary proceedings in the House in regard to the matter

of the points of order, and I ask permission to make a brief statement.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CHINDBLOM. The very distinguished gentleman and my good friend from Ohio [Mr. BURTON] said a moment ago that it is unjust that the Committee on Rivers and Harbors should have the right to report a bill which had not been previously introduced by a Member of the House in the same way every other bill must be introduced. He even used the language that the Committee on Rivers and Harbors does not have to wait for anybody to introduce a bill but may proceed to frame a bill on its own motion and bring it before the House. That power is given to the Committee on Rivers and Harbors by the rules of the House, and there should be and can be no just complaint upon that score. Paragraph 56 of Rule XI provides:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules, on rules, joint rules, and order of business.

And so on, including:

The Committee on Rivers and Harbors, bills authorizing the improvement of rivers and harbors.

Unfortunately, the committee is proceeding in the way prescribed by the rules. It is conceded, I think, by everyone, most certainly, I believe, by the distinguished chairman of this committee, that if this bill had been introduced in the usual way by a Member putting it in the basket, and if the bill had then been referred to the committee, no question of jurisdiction could now be raised; but it is claimed that the question of jurisdiction may be raised because the committee proceeded in the way which is prescribed by the rules. In other words, a committee which is presumed to have a privilege and for which special provision is made in the rules, when it reports a bill, finds itself in a worse situation than it would have been in if had had before it a bill which had been merely dropped in the basket by a Member of the House.

The Committee on Rivers and Harbors in this respect has exactly the same jurisdiction, the same authority, and the same procedure as the Committee on Ways and Means. The Committee on Ways and Means does not have to act upon a bill which has been placed in the basket. The chairman of the Committee on Ways and Means brings in a bill and reports it to the House without having been previously introduced; so does the chairman of the Committee on Appropriations and so does the chairman of the Committee on Rules.

Now, when this bill came up for consideration the gentleman from Michigan [Mr. MAPES] proceeded to reserve points of order. I will venture to say there is not a man in this House—at least, during the seven years I have been here—who has ever known of points of order being reserved upon a legislative bill. They are reserved on appropriation bills, and only at the moment when the bill is presented by the chairman of the Committee on Appropriations; not after a bill has been on the calendar for 10 days or 2 weeks or for any length of time, but at the very moment when the distinguished gentleman from Illinois [Mr. MADDEN] brings in a report from the Committee on Appropriations; at that very moment points of order are reserved; and it has been held that unless they are then reserved they can not be made in the Committee of the Whole, except as to certain matters for which there is special provision in the rules.

Mr. MAPES. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. MAPES. No one had an opportunity to do that in this case because the chairman of the Committee on Rivers and Harbors instead of reporting this rivers and harbors bill from the floor, as the chairman of the Committee on Appropriations reports appropriation bills, dropped it in the basket, and until the attention of the membership of the House was called to the bill on the calendar no one knew it was reported.

Mr. CHINDBLOM. But when the gentleman reserved his points of order on the 22d of May—

Mr. MAPES. Will the gentleman yield further?

Mr. CHINDBLOM. Well, let us finish that one point. When the gentleman sought to reserve points of order on the 22d of May I demanded the regular order, as I had the right to do, and under that demand the points of order should have been made. The gentleman proceeded to make some points of order relating to the matter of appropriations, which, under special rules, he could make at any time.

The CHAIRMAN. The Chair would like to ask the gentleman from Illinois a question. In a proper case, if points of order are reserved in the House on a bill previous to its con-

sideration in the Committee of the Whole House on the state of the Union, will a demand for the regular order compel the person reserving his points to make them then and there in the House?

Mr. CHINDBLOM. In the opinion of myself; yes. I think that is necessary. When there is a reservation the regular order is that that shall be done which is reserved to be done.

Mr. MAPES. Will the gentleman yield there?

Mr. CHINDBLOM. Yes.

Mr. MAPES. As I understand the rule it was stated very clearly by Chairman Saunders September 19, 1918, in the consideration of the legislative drafting service item in the revenue bill. He said:

There must be an opportunity afforded at some time to object to matter included in a bill in excess of the jurisdiction of the committee, and the first time that this opportunity is afforded is when the bill is under consideration and the objectionable matter is reached. It is a question of there being in the bill reported by the committee matter as to which the committee had no jurisdiction at all.

Mr. CHINDBLOM. But in this case this is not the first opportunity that the gentleman from Michigan has had.

Mr. MAPES. Oh, yes, it was.

Mr. CHINDBLOM. The gentleman from Michigan had his first opportunity when I demanded the regular order upon his reservation and he failed to avail himself of it.

Now, Mr. Chairman, I want to call attention to the RECORD with reference to the reservation. I think it is quite unfortunate that it should not be clearer with reference to the reservation. After I had demanded the regular order the gentleman proceeded to make some of his points of order, and then he made this remark:

Mr. MAPES. Mr. Speaker, I desire to renew my reservation of all further points of order on the bill.

The gentleman from Missouri [Mr. CANNON] thereupon said:

Mr. CANNON. Mr. Speaker, I make the point of order that the gentleman from Michigan can not make the reservation.

The SPEAKER. The Chair will state the motion. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11616.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Is the reservation offered by the gentleman from Michigan considered to have been made or was the gentleman recognized for that purpose?

The SPEAKER. The Chair recognized the gentleman to make the reservation.

Mr. CANNON. Then I make the point of order, Mr. Speaker—

The SPEAKER. The Chair understands the gentleman has heretofore made the reservation.

Incidentally this was in error, because at the time it had previously been made, I demanded the regular order. Then Mr. CANNON said:

Mr. CANNON. I make the point of order the gentleman is not entitled to make the reservation.

The SPEAKER. The Chair does not think it makes a particle of difference whether the gentleman makes the reservation or not. He can make it in the committee.

When the distinguished Speaker made that statement he, of course, had in mind those points of order which might be made both in the committee and in the House, for this is what the Speaker said:

The Chair does not think it makes a particle of difference whether the gentleman makes the reservation or not. He can make it in the committee.

Now, this is a very technical situation. I say that reservations of points of order on a legislative bill are not made in the House since the changes were made in the rules under which bills are now placed in the basket, and I think we have the right to insist upon a technical construction on the other side of the question when the points of order are reserved. The Chair certainly never stated that they were reserved. The Speaker's remark was only that he did not consider it made any difference whether they were or not, and I say that could not have referred to questions of jurisdiction, because questions of jurisdiction can not be raised in the Committee of the Whole House or in the Committee of the Whole House on the state of the Union unless they have been reserved before the committee begins its consideration of a bill.

Mr. BRIGGS. Mr. Chairman, I want to call the attention of the Chair to one point in connection with the Intracoastal Waterway provision in the bill which shows it to be an existing proj-

ect. I read from the report of the Chief of Engineers, United States Army, on page 956, report of 1925, in which it is stated:

As a component part of the inland waterway system this channel has provided waterway communication between Galveston and Corpus Christi, a distance of 202 miles, connecting up various natural waterways along the coast with the Texas ports west of Galveston.

It also refers to the recommended modifications of the project in providing a channel 9 feet in depth and 100 feet in width. Jurisdiction has been exercised over this very waterway by the Committee on Rivers and Harbors for many years. This is only a modification of an existing project; and by virtue of the jurisdiction of the Rivers and Harbors Committee over this project, which has been recognized by the Congress for 30 years or more, such committee unquestionably has the power to act upon this matter and report the provision in the pending bill.

I also want to call attention to the further fact, Mr. Chairman, that this House acted upon this very report in the last Congress and adopted it, and that report came from the Rivers and Harbors Committee as a part of the legislation before the Congress which was adopted.

Mr. BURTON. But the gentleman does not state the whole of it. It only went as far as Galveston.

Mr. BRIGGS. I appreciate that; but I am talking about the report in House Document No. 238, Sixty-eighth Congress, first session, and such report recommends the continuance of the waterway to Corpus Christi. The adoption of the 9-foot project was only to Galveston. The part from Galveston to Corpus Christi is not only an existing waterway but one that has been in operation for years.

Mr. McDUFFIE. And may I say that the gentleman from Ohio [Mr. BURTON] highly recommended this canal during the last session of the Congress.

Mr. BRIGGS. Yes; and I would like to read his language on page 1886 of the RECORD of January 15, 1925:

I would especially commend that intercoastal waterway on the coasts of Louisiana and Texas. There has been a phenomenal development there, and certain commodities—oil, sulphur, lumber, salt, and rice—require transportation.

Mr. Chairman, there can be no question about the Committee on Rivers and Harbors having absolute jurisdiction over this waterway from Galveston to Corpus Christi. The pending provision in the bill only means, as the engineers indicate, a modification of the project, and is not in any respect the institution of a new project. It simply enlarges to a 9-foot channel, with 100-foot width, the existing waterway, in accordance with the report of the Army engineers previously indicated.

The intracoastal canal project from the Mississippi to Galveston and thence to Corpus Christi is in itself only an extension of the so-called inland waterways, of which the Mississippi River and its tributaries and the Black Warrior River constitute the more extensive part.

Perhaps no navigation project has been more carefully and thoroughly considered than the intracoastal canal before it was recommended by the Army Engineers and Secretary of War and approved by Congress.

General Goethals estimated a minimum tonnage of from five to seven million tons a year, and a maximum tonnage of about 12,000,000 tons annually, with a 9-foot channel and 100-foot width.

In order to more carefully check the estimates of the division engineer and of General Goethals the Board of Engineers for Rivers and Harbors conducted an independent investigation and estimated an annual tonnage of approximately 5,000,000 tons with a considerably increased potential tonnage.

By the time the intracoastal canal is completed it is probable that the great Ohio River project will have been finished and thereby establish direct inland-waterway connection between Pittsburgh and Galveston, as well as between intermediate points on the Ohio, Mississippi, and intracoastal canal, and between Birmingham and Galveston, as well as between a number of other points throughout the great Mississippi Valley. With this extensive system of inland waterways, with a 9-foot channel, extending over 3,000 miles through the heart of one of the greatest industrial and agricultural districts of America, the manufacturers and producers throughout that area and territory contiguous thereto will receive the benefits of a reduction of from one-half to one-third of the present transportation charges.

As a concrete example it may be pointed out that not only will the steel mills of the Pittsburgh district and the coal fields of West Virginia, along the Monongahela, be able to barge their products to Texas entirely by water, and that agricultural commodities may be likewise so transported from intermediate points along the waterway route and adjacent thereto, but such

sections will in turn be able to obtain return cargoes from Texas and Louisiana of oil, sulphur, rice, lumber, and other commodities in large quantities at rates far below present transportation costs.

For instance, it was testified before the Rivers and Harbors Committee that the present transportation rate on sulphur from the mines in Texas, by rail, to St. Louis, Mo., is \$8 a ton. That with the intracoastal canal completed sulphur can be transported from the mines by barge to St. Louis at a cost not to exceed \$3 per ton, or a saving of 150 per cent.

That the present rail rate from the sulphur mines in Texas to Chicago is \$8.85 a ton, and with the intracoastal canal completed the transportation cost will not exceed \$3.50 a ton by water.

That the present rail rate from the sulphur mines in Texas to Pittsburgh is \$10 a ton, and with the completion of the intracoastal canal the cost by water would not exceed \$5 a ton.

That it is true that very little of the large movement of sulphur to the Pittsburgh district is carried all rail, and that most of it moves from the sulphur mines to Galveston, from where it is transported coastwise to New York or other North Atlantic ports, and then by rail to Pittsburgh; but with the completion of the intracoastal canal and the Ohio River project a very material saving in transportation cost will be further effected, as indicated.

That based upon a consumption of approximately 600,000 tons a year, at a saving in transportation of \$4 per ton, or even \$3 a ton, which is a most conservative figure, it can be seen that the cost of the extension of the intracoastal canal—\$2,500,000—between Galveston and Corpus Christi will almost be fully paid for in one year.

The enormous savings in transportation costs, as above indicated, with regard to only one commodity, sulphur, will likewise be experienced with regard to other commodities, particularly steel, coal, oil, rice, sugar, lumber, gypsum, and truck and other agricultural and industrial products shipped and consumed in all the great region traversed by such inland waterways.

As everyone knows, the present high cost of transportation is one of the most serious problems in our economic situation. Anything which brings about substantial relief from and a material reduction in such transportation costs, is bound to be of inestimable benefit to producers, industries, and the public at large. Commodities which are now produced and which in large measure are unprofitable to ship long distances—where good markets exist—because of high transportation rates, will no longer have to be allowed to go to waste, with the enormous resulting loss, but can be marketed with profit and thereby increase the prosperity of the producer and be of similar advantage to the consumer.

The port of Galveston, as well as Texas City and other Texas ports, will find its commerce materially increased and an opportunity presented for becoming a still greater distributing center.

Although the commerce through the port of Galveston, as compiled by the Chief of Engineers, amounted, during the calendar year 1924, to the vast sum of more than a billion dollars, and Galveston continues to enjoy the distinction of being the greatest cotton and sulphur export port in the world, as well as the greatest wheat export port in the United States, with a total—over a six-year period—of 157,903,231 bushels, with an enormous coastwise commerce, exceeding \$600,000,000 in 1924, yet the linking up of Texas and the Southwest, through the intracoastal canal, with the great inland waterway systems throughout the heart of the Nation will unquestionably materially increase the amount of commerce moving through Galveston, Texas City, and other points, to and from a vast territory in which trade intercourse has been seriously retarded because it has not enjoyed the benefit of cheap water transportation.

But it is not only the ports which will enjoy the benefits of this great system of navigable inland waterways. Even greater benefits will be experienced by every part of the States and the people thereof traversed by such waterways. They will receive by far the greater share of the reduced transportation costs, for even those who do not live upon such waterways can enjoy the reduced transportation costs by utilization of the waterways to ports adjacent to such territory, in conjunction with lower domestic rail rates and haul, where deliveries are to be made.

Texas is the greatest agricultural State in the Union, and ranks third in the production of petroleum, fifth in minerals, and has great forests of pine and other timber. Its people, and especially its agricultural population, purchase large quantities of farm machinery, steel for construction and other purposes, coal, automobiles, and many other manufactured products and supplies, and if the transportation charges on these materials

can be reduced from one-half to one-third of present transportation costs, the millions of dollars thereby saved annually to the people of Texas will be of inestimable benefit.

It is of equal importance to the people of Texas that they may be able to sell to advantage and increase the market for the commodities which the State produces. If its cattle; the products of its farms, especially its cotton, rice, truck, and other crops; its vast supplies of building material, gravel, stone, and sand; its timber and manufactured lumber; its oil, cement, brick, gypsum, lignite, and other resources, both in the form of raw materials and manufactured character, can be transported and delivered to the people and markets in other States at reductions in from one-half to one-third of the prevailing transportation costs, it must be evident to anyone that Texas will not only enjoy further savings of millions of dollars in transportation charges but will enter upon a new era of prosperity and development unparalleled in the history of the State.

Of course, it is further apparent that similar benefits will be enjoyed by those States and the people thereof which sell to Texas and purchase from her.

Cheaper transportation means that the high cost of living can be materially reduced. It means that farmers may buy the things they need on the farm at lower prices, and the laboring man supply himself with many necessities of living at more reasonable cost—for reductions in transportation charges are reflected in benefits shared by both producer and consumer. High freight rates result in injury to both and are a menace to the comfort, prosperity, and happiness of the people and a serious obstacle to the continued development of the State and the Nation.

Under the impetus of low transportation costs the producer, whether of raw materials or finished products, is encouraged to continue his efforts, for he is better able to market his products at a reasonable profit and is not compelled to endure the discouraging experience of sending his goods to market and finding his return absorbed by excessive transportation costs.

More than ever before every part of this country is realizing how much of its prosperity is dependent upon cheaper transportation. The farmer realizes that his interest in the subject is a vital one, and the manufacturer and public generally possess the same realization.

This transportation problem is a serious and complex one, but its satisfactory solution can be most readily expedited and assured when the people enjoy the benefits of the development of inland waterways to that extent, at least, which will increase the use of such waterways for the carriage, especially, of bulk and other freight which can be more cheaply and as satisfactorily moved by water as by any other form of transportation and thereby relieve rail transportation from demands for facilities which threaten to overwhelm it and result in increased costs and charges which shippers and the public at large must ultimately pay.

It is furthermore well known that additional rail construction is needed to develop and serve sections and communities which are now seriously handicapped for want of adequate means of transportation. In my own State and elsewhere this condition urgently obtains. In this connection I further desire to say it is particularly necessary that the States, and not the Federal Government, be left to decide what new rail service and construction are required by a railroad and communities wholly within a State, and Congress should adopt legislation forthwith recognizing such right.

But as the Secretary of Commerce has recently pointed out, and it is apparent to all, the growth and development of our Nation has been so pronounced and extensive and promises to continue to develop so rapidly that transportation needs can not be supplied by the railroads alone; waterways to a greater extent than ever, as well as highways, and probably later on the air, must be utilized to transport domestic as well as foreign commerce so essential to our national life, and to provide the means for a more extensive and prosperous development of every part of our country.

The CHAIRMAN. The Chair is ready to rule. There are two ways in which committees of the House may acquire the right to report to the House legislative propositions in the form of bills. One is by reference to the committee under Rule XI of the House. It reads as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz, subjects relating to—

Various things to such committees. And then it says:

To the improvements of rivers and harbors—
To the Committee on Rivers and Harbors.

Now, under such reference no committee has a right to do anything in respect to reporting legislation but to report back

to the House the precise bill which is referred to it, in the precise language in which it was referred to it—invariably reporting back the exact bill with or without the recommendation that the bill do pass or a recommendation that certain amendments be adopted and that the bill with such amendments do pass.

In the case in which it alters proposed legislation by amendment these amendments are printed separately and do not form a part of the bill until the amendments have been agreed to by the House itself.

Now, certain committees have the right to report legislation in the form of bills under clause 56 of the same rule, which reads as follows:

The following-named committees shall have leave to report at any time on the matter herein stated, namely:

The Committee on Rules, on rules, joint rules, and order of business; Committee on Elections, on the right of a Member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills authorizing the improvement of rivers and harbors.

Then follow other committees.

Now, in the present instance the Committee on Rivers and Harbors had no specific bill referred to it which it reported back to the House. It is the unquestioned practice in the House that if a bill is referred to a committee, whether the committee has jurisdiction of the subject matter or not, and without a question of its jurisdiction reports back to the House, the committee by such reference and by such report has acquired jurisdiction over the subject matter of the bill and its right to report may thereupon at no time and under no circumstances be questioned.

The reason for that is perfectly clear. It is because the bill is referred to the committee and the reference is made with the knowledge of the entire membership of the House. If the reference is to a committee that has not jurisdiction of the subject matter any committee may question the propriety of such reference, and until the committee reports the proposition, the infringement of the jurisdiction of other committees by the committee may always be questioned. But where the committee reports a bill without having such bill introduced and referred to it, there is no opportunity afforded until the committee so reports for Members to protect themselves against usurpation by the committee so reporting under this privilege. Consequently throughout the practice and procedure in the House bills originally reported from the committee under the privilege have always been subject to close scrutiny to see that everything contained in such bills was within the limits of its rights to report originally.

But the fact that the committee in exercising its right to report under clause 56, did not make the report through the chairman on the floor of the House but dropped the bill in the basket, does not alter the character of its report. It does not divest the bill so reported of the character of being reported under the privilege, and therefore subject to all of the limitations of a report made under that privilege. Nor does it deprive a Member of the House of the right to reserve points of order against the bill so reported simply because the bill was reported improperly through the basket instead of on the floor.

That a bill reported under the privilege is subject to reservation of points of order in the House previous to its consideration in Committee of the Whole has been the practice of the House continually.

In 1884 a river and harbor bill containing various projects was originally reported from the committee, just as the bill under present consideration was reported. True, the bill carried with it the appropriations to carry into effect the authorizations of the bill, but that did not stamp the bill thus reported back in 1884 with the character of a general appropriation bill, because from the time of Speaker Crisp until the change in the rules in 1920 it was uniformly held that the river and harbor appropriation bill was not a general appropriation bill. The fact that the bill in question does not carry appropriations does not alter the character of the bill from the character of the bill back in 1884, when it did carry appropriations. Then it was held when points of order were raised in the Committee of the Whole that in view of the fact that reservations of points of order in the House had not been made they could not be raised in the Committee of the Whole House on the state of the Union. Then came the river and harbor bill of the following year, and that bill carried the same item which was sought to be eliminated by the point of order in the bill of the year before, to wit, for the construction of the Hennepin Canal in the State of

Illinois. On that occasion points of order had been reserved in the House previous to the consideration of the bill in the committee.

The Chairman then held that inasmuch as such points of order had been reserved they could be raised in the committee, and ruled the Hennepin Canal project out of order on the ground that the jurisdiction of the Committee on Rivers and Harbors to report originally was limited to reports for the improvement of rivers and harbors and not for the construction of canals. The Chair on that occasion stated generally that the Chairman of the Committee of the Whole can not rule a proposition in an appropriation bill committed to it out of order; but, of course, it is otherwise when the point was reserved before commitment. The reason that points of order are reserved on general appropriation bills is precisely for the same reason that points of order in accordance with the practice of the House are reserved when other committees report originally without having bills they are reporting specifically referred to them, in order that when either the Committee on Appropriations or any other committee which, like the Committee on Appropriations, has the right to report originally, includes extraneous matter beyond its jurisdiction, opportunity to eliminate it may be afforded, and that can only be done by reservation of points of order in the House.

The Chairman on that occasion said:

The fact that the House allows points of order to be reserved before commitment proves that it virtually instructs that the fact of commitment shall not cut them off. Otherwise the practice of reserving points of order on these bills would be worse than an unmeaning farce. It would operate as a snare and a fraud. Otherwise, all the purposes sought by distributing matters among our committees, according to their jurisdiction, fixed by the rules, would be thwarted. Otherwise, the river and harbor bill would be an omnibus, capable of carrying whatever a majority of the Committee on Rivers and Harbors chose to pack into it, however foreign to its jurisdiction, and that, too, with a guaranteed "right of way" in preference to all legislation except that necessary to preserve the life of the Government. Such a construction must be wrong. The first and second points of order are sustained and the lines objected to will be stricken from the bill.

The gentleman from New York [Mr. DEMPSEY] seeks to relieve his bill from the limitation placed upon the jurisdiction of the committee to report originally and from the bill's liability to have items not within the jurisdiction of the committee eliminated on points of order, because of the fact that he is bringing the bill up in Committee of the Whole House on the state of the Union for consideration under a rule rather than under the privilege which it has. If he did not have a privilege, he could not have reported originally, anyway, and if he reported originally he has a privilege. The fact of bringing this up for consideration under a rule from the Committee on Rules does not help him any. He refers to the fact that the bill in the last Congress was considered under a rule and that these various items now sought to be eliminated by points of order were retained in the bill.

The fact is that that was particularly provided for by the rule at that time, and the rule under which we are operating does not contain such a provision. The present rule merely makes in order a motion to go into the Committee of the Whole House on the state of the Union to consider this bill and does not change the status of the subject matter of the bill at all. The rule under which the bill was considered in the committee on January 15, 1925, reads as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11472) entitled "A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," that after general debate the bill shall be read for amendment—

And here occurred this language which is lacking from the rule under present consideration:

And that the provisions in all paragraphs of said bill shall be in order.

In 1925 the rule made in order in the bill what otherwise would not be in order, and which in this bill, there being no such provision in the rule, is not in order.

As to the demand for the regular order, the demand for the regular order means that any action held in abeyance which until disposed of hinders the orderly conduct of the business of the House must be disposed of and not further reserved; but where the purpose of reserving points of order in the House is that they may later be considered in committee, the regular order does not bring up immediately in the House such reserved

points unless the House itself should proceed to the immediate consideration of the bill.

Inasmuch as this bill is subject to points of order to all provisions carried in the bill that are not within the scope of the jurisdiction of the Committee on Rivers and Harbors to report originally, and may be eliminated on points of order, it now becomes necessary to look at the section under consideration and see whether it contains matter not within the scope of the jurisdiction of the Committee on Rivers and Harbors.

Without going into detail—

Mr. CHINDBLOM. Mr. Chairman, before the Chair goes into that, may I inquire whether there are any precedents on the effect of the demand for the regular order on reservations of points of order?

The CHAIRMAN. The Chair has not found any precedents on the effect of that at all; but he has based his decision in respect to that upon the plain intent of the rule or practice which allows calling for the regular order in order that business may be no longer delayed, but continue in its regular order; but where a demand for the regular order is made, nothing that need not be done so that business may proceed is by such demand brought up.

Mr. CHINDBLOM. If the Chair will permit—

The CHAIRMAN. The Chair is very clear in his mind, and he has so ruled.

Mr. CHINDBLOM. And the Chair does not care to listen to any suggestions?

The CHAIRMAN. The Chair without going very deeply into the facts has examined as far as possible the engineer's reports and has listened very attentively to the discussion of both sides, and he rules as follows: That the waterway connecting Gravesend Bay with Jamaica Bay, N. Y., is clearly an artificial waterway on which the committee has no right to legislate or report legislation originally, and therefore holds that project is not in order. The Chair holds the same way and for the same reason concerning the continuation of the development of the waterway project called the Louisiana and Texas Intracoastal Waterway. The Chair overrules the point of order against the Moline project and holds good the Mill Creek project and also holds good the project of the Illinois River. The committee clearly has jurisdiction to improve navigation on the Illinois River, and the Chair holds that the proviso is not overstepping the limits of the committee's jurisdiction, but it is simply a disclaimer that the legislation contained in the Illinois River project is such overstepping legislation. But inasmuch as two of the paragraphs or items contained in this section are deemed to be out of order, therefore under the rules of the House the entire section, if the point of order is made against the section, is out of order, and the Chair rules out the entire section. [Applause.]

Mr. McDUFFIE. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Alabama appeals from the decision of the Chair.

Mr. CRAMTON. Mr. Chairman, I move to lay that appeal on the table.

The CHAIRMAN. The gentleman is out of order. The motion is not in order in committee.

Mr. WINGO. Mr. Chairman, let us have order. We have not been able to hear anything for the last three or four minutes.

The CHAIRMAN (Mr. TEMPLE). The question is, Shall the decision of the Chair stand as the decision of the committee?

Mr. MAPES. Mr. Chairman, I think we had better discuss this, and I ask for recognition.

Mr. DEMPSEY. Mr. Chairman, I am entitled to recognition, and I ask for recognition. I do not know what has occurred; something was done, but I do not know. Let us hear what has been done.

Mr. MAPES. We heard clearly here, Mr. Chairman.

The CHAIRMAN. The Chair ruled on the point submitted to him, and the gentleman from Alabama [Mr. McDUFFIE] appealed from the decision of the Chair.

Mr. DEMPSEY. Mr. Chairman, I join in the appeal.

The CHAIRMAN. The question now is, Shall the decision of the Chair stand as the decision of the committee?

Mr. KINDRED. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KINDRED. Whether the appeal taken from the decision of the Chair covered the item of the waterway connecting Gravesend Bay with Jamaica Bay, N. Y.?

The CHAIRMAN. The gentleman heard the decision of the Chair.

Mr. SABATH. The whole section goes out.

Mr. MADDEN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Michigan [Mr. MAPES] has recognition.

Mr. CHINDBLOM. I make the point of order, Mr. Chairman, first, that the appeal is not debatable, and, second, if it is, the chairman of the committee under the precedents is entitled to recognition.

The CHAIRMAN. The point of order is made that the appeal is not debatable, and that if it is, the chairman of the committee is entitled to recognition.

Mr. CHINDBLOM. I suggest that.

The CHAIRMAN. Under section 4 of Rule I, defining the duties of the Speaker, which apply also to the Chairman of the Committee of the Whole—

Mr. CHINDBLOM. I will say, Mr. Chairman, that upon reflection I think, perhaps, there is five minutes' debate under the five-minute rule. I withdraw my point of order on that. I forgot that for the moment.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Michigan [Mr. MAPES], who has the floor, yield to a parliamentary inquiry?

Mr. MAPES. I do, provided it is not taken out of my time.

Mr. MADDEN. It seems to me there ought not to be any debate about the rules of the House. Is there?

The CHAIRMAN. This debate, as the Chair understands, is under the five-minute rule.

Mr. MADDEN. Does the Chair hold that that is five minutes on a side?

The CHAIRMAN. The chairman of the committee may make a motion to close debate under the five-minute rule. The gentleman from Michigan [Mr. MAPES] is recognized.

Mr. MAPES. Mr. Chairman and gentlemen of the committee, of course this river and harbor bill is highly controversial. We know that the men who are interested in the projects in this bill are in the majority in the House of Representatives. It is up to you, gentlemen, to determine whether you are going to put those projects in, or leave them in, according to the rules of the House of Representatives, or whether you are going to run roughshod over the rules and put them in regardless of rules.

One of the principal items of this bill concerns the State of Illinois. A great many Members have come in since we started the argument on this point of order. I want to call attention again to the language of a former distinguished Illinoisan in discussing a point of order on a river and harbor bill that is exactly in point now. The language is so much better than I could use that I would like to read it and adopt it as my own. I read:

Mr. MANN. Mr. Chairman, the distinguished gentleman from Tennessee [Mr. BYRNS] occupying the chair has made a ruling following the rules of the House. The Constitution provides that we shall operate under the rules made by the House. The House has provided its rules. The gentleman from Tennessee has decided that under the rules of the House a certain item in this bill is not in order. The merits of the item are not properly before the House. This is a law-making body. The question before the House is whether it is a law-abiding body, whether it will follow the rules it has established, regardless of the merits of the particular proposition, or whether it will decide it when it comes up according to the individual preferences or lobbying of Members of the House.

I take it that this is a law-abiding body as well as a law-making body. If it is a law-abiding body, when it makes rules it will follow the rules it has made, and in this case it must either decide that the gentleman from Tennessee, as chairman, did not know the rules of the House, did not make a correct ruling under the rules of the House, or else it pays no attention to the rules it made itself, unless, perchance, it desires to have the rules operate in favor of individual projects.

This body can never do well unless it observes the rules of the House. The river and harbor bill always is subject to enough criticism without the criticism being made throughout the country that when the river and harbor bill is up the House pays no attention to the rules made by the House of Representatives, that Members override the rules made for other bills because they desire to interject projects into the bill which the public, erroneously, of course, calls the pork barrel bill.

Gentlemen, I call upon you in the name of orderly procedure to sustain the decision of the Chair. [Applause.]

Mr. BRITTEN. Will the gentleman yield to a question? Why has not the gentleman and his associates conducted their proceedings within the last week in accordance with the rules of the House?

Mr. MAPES. We have abided by every rule of the House.

Mr. BRITTEN. No. The gentleman should practice what he preaches.

Mr. DEMPSEY. Mr. Chairman, I move that all debate on the question close now.

The CHAIRMAN. The gentleman from New York moves that all debate on this section be now closed. The question is on agreeing to that motion.

The motion was agreed to.

Mr. BRIGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRIGGS. If the House should not overrule the appeal, would that rule out of the bill the intercoastal canal?

The CHAIRMAN. Everything.

Mr. BRIGGS. Does the decision of the Chair carry out the ruling?

The CHAIRMAN. The committee has heard the ruling of the Chair. The question now is: Shall the decision of the Chair stand as the judgment of the committee?

The question was taken.

The CHAIRMAN. The Chair is in doubt. All in favor of sustaining the decision of the Chair will rise in their places and stand until they are counted.

The committee divided; and there were—ayes 91, noes 128.

Mr. CHALMERS. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Ohio demands tellers.

Tellers were ordered, and the Chairman appointed Mr. CHALMERS and Mr. DEMPSEY to act as tellers.

The CHAIRMAN. Those in favor of sustaining the decision of the Chair will pass between the tellers and be counted.

The committee again divided, and the tellers reported—ayes 83, noes 133.

So the decision of the Chair was rejected as the judgment of the committee.

The CHAIRMAN. The committee declines to sustain the decision of the Chair.

Mr. MAPES. Mr. Chairman, a point of order.

The CHAIRMAN (Mr. LEHLBACH). The gentleman will state it.

Mr. DEMPSEY. I understood, Mr. Chairman, that all points of order to this section had been made.

The CHAIRMAN. The Chair does not know what is the point of order that the gentleman from Michigan is about to make.

Mr. DEMPSEY. We have not read the next section.

The CHAIRMAN. The Chair can not tell what the gentleman's point of order is.

Mr. MAPES. The Chairman ruled that on account of certain items in this section being subject to a point of order the whole section was out of order and went out. The Committee of the Whole House on the state of the Union overruled the Chair in that respect. If it is in order to do so now I desire to make the point of order against the individual paragraph relating to the Louisiana and Texas Intracoastal Waterway.

The CHAIRMAN. The Chair will hold that the committee itself, by the vote just taken, has ruled the entire section in order. [Applause.]

Mr. DEMPSEY. Mr. Chairman, I have sent certain committee amendments to the desk which I desire to offer.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 5 of the bill, at the end of line 11, strike out the period, insert in lieu thereof a colon and insert the following: "Provided, That the number of water wheels now installed in the dams at the lower end of the Moline Pool shall not be increased except by consent of the Secretary of War."

Mr. MAPES. Mr. Chairman, I desire to make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman on his point of order.

Mr. MAPES. Mr. Chairman, it is evidently a water-power provision and not a provision for the improvement of rivers and harbors.

Mr. DEMPSEY. Mr. Chairman, the provision is this: We had to raise the water in Moline Pool in order to get 6-foot navigation in the Mississippi River.

The CHAIRMAN. The Chair is ready to rule. The Chair holds that this is not a provision for water power; that it is a limitation on the creation of water power; and, therefore, overrules the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee—

Mr. DEMPSEY. Mr. Chairman, may I make a parliamentary inquiry before the gentleman proceeds?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from New York for the purpose of making a parliamentary inquiry?

Mr. JOHNSON of Washington. I will yield if it does not affect any of my rights.

The CHAIRMAN. The gentleman's rights will be preserved.

Mr. DEMPSEY. Mr. Chairman, the committee has other amendments. Should they be reported together or wait until later?

The CHAIRMAN. The Chair believes we could expedite matters by reporting and disposing of amendments singly. The gentleman from Washington is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, I think that the decision just made by the Chair is a wise one, inasmuch as there are numerous detached and separate items to which committee and other amendments are to be made and which, by the decision of the Committee of the Whole, we are not going to be permitted to discuss. At the end of the five minutes for which I have been recognized, and which I hope to use, all debate will be cut off by a motion to close all debate. What a pity it would be to thus foreclose both amendment and debate, and to thus further outrage the situation.

Mr. McDUFFIE. Mr. Chairman, I call attention to the fact—

Mr. JOHNSON of Washington. Mr. Chairman, I beg not to be interrupted.

Mr. McDUFFIE. Mr. Chairman, I make the point of order the gentleman is not debating his amendment.

Mr. JOHNSON of Washington. I would like to secure the exact text of the amendment so I can find out the last word to see if I can make use of the last word, for my purposes, and while I am waiting I will call the attention of the Members who are here to the fact that by overruling the Chair twice because of self-interest and for no other reason, this House is establishing precedents which it will regret. [Applause.] We have all been proud for many years to go before our constituents and say that all pork-barrel propositions had been eliminated from river and harbor bills, but here we are with at least three big pork-barrel schemes neatly placed in this bill, and proposed to be held there willy-nilly by a combination of great centers of allied interests, the rules to the contrary notwithstanding.

Mr. BRITTEN. Mr. Chairman, I make the point of order the gentleman is not discussing his amendment.

Mr. JOHNSON of Washington. However, I am getting fairly close to it. [Laughter and applause.] I am trying to discuss the last word, and I think everybody understands that some one has to have the last word.

Mr. McDUFFIE. Mr. Chairman, the last word is "session."

Mr. CRAMTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. CRAMTON. It is very apparent they are afraid the bill will be discussed.

Mr. JOHNSON of Washington. Quite so.

Mr. McDUFFIE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. McDUFFIE. The last word, Mr. Chairman, is the word "session."

Mr. JOHNSON of Washington. On the contrary, Mr. Chairman, the amendment ends with the words "Secretary of War," and the actual last word is "war," and apparently, Mr. Chairman, war it is. [Laughter and applause.]

The CHAIRMAN. The Chair will state that the last word that is stricken out has no particular significance. The gentleman does not have to discuss the meaning of the last word, but must discuss its effect on the amendment.

Mr. JOHNSON of Washington. I have here the amendment, and the last word is "war," which may have but little import in the amendment but great import as to this legislation in the future.

Mr. McDUFFIE. Mr. Chairman, the last word of section 1 is "session."

The CHAIRMAN. The gentleman moved to strike out the last word of the amendment.

Mr. JOHNSON of Washington. Yes; Mr. Chairman, I moved to strike out the last word of the amendment, and it so happens that the last word is "war," an appropriate word at this hour.

Mr. McDUFFIE. Go to it.

Mr. JOHNSON of Washington. And it is likely to be war when the public finds out that we have gone back to pork-barrel legislation, with a most uneven distribution, by the way. It is a little more than pork barrel. It is—

Mr. BRITTEN. Mr. Chairman, I make the point of order the gentleman is not discussing the amendment.

Mr. JOHNSON of Washington. I think I am. It is a little more than pork. I might use an old-fashioned country expression of the pioneer days, quite common, and you will all know what I mean. [Laughter.] Seriously, Mr. Chairman and gentlemen, without desiring to discuss the merits or demerits of any proposition in the bill and without desiring to lecture my colleagues, I do feel that when the House makes a precedent, as it has just done, that a committee selected to report certain bills, limited in nature, may, if it pleases, go far afield and report an all-around river, harbor, road building, canal building, track laying bill, the House is making for confusion and more confusion. The very gentlemen who are now bowling over the rules as they please will, I predict, be appealing for enforcement of the rules to save this particular bill.

Mr. DEMPSEY. Mr. Chairman, I move that all debate on this amendment and all amendments or substitutes thereof now close.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry. There was so much confusion I did not understand whether the motion was to close debate on the section or upon the amendment.

The CHAIRMAN. Upon the pending amendment and all amendments thereto.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 5 of the bill, following the proviso just adopted, insert the following paragraph:

"St. Croix River, Minn. and Wis., in accordance with the report submitted in House Document No. 378, Sixty-ninth Congress, first session."

The amendment was agreed to.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 6, between lines 14 and 15, insert the following paragraph:

"Michigan City Harbor, Ind.: The modification of the existing project recommended in House Document No. 279, Sixty-ninth Congress, first session, is hereby authorized."

The amendment was agreed to.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 6, between lines 21 and 22, insert the following paragraph:

"Morristown Harbor, N. Y., in accordance with the report submitted in House Document No. 371, Sixty-ninth Congress, first session."

The amendment was agreed to.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 7 of the bill, between lines 14 and 15, insert the following paragraph:

"Oakland Harbor, Calif. In accordance with the report submitted in House Document 407, Sixty-ninth Congress, first session, subject to conditions set forth in said report."

Mr. BURTON. Mr. Chairman, I would like to know what the nature of this amendment is. It is perfectly blind, it refers to a Senate document. We are voting blindly.

Mr. DEMPSEY. Mr. Chairman, I wish to be recognized for five minutes.

Oakland Harbor is a harbor that is developing business more rapidly in percentage than any other harbor in the United States. Some 55 or 60 new industries have been located on that harbor within the last year. The main channel is inadequate both in width and in depth. We give them a width of 600 feet and for a short distance a depth of 30 feet. At the west end of Oakland Harbor there is the oil business and all business of that nature, which has been separated from other business and they have an inadequate channel, too narrow, and we give them an adequate channel. There is not, throughout the length and breadth of this land, a city which is growing more rapidly in industry and all that makes for prosperity than the city of Oakland. The amount of the appropriation is \$330,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. ELLIS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 11, on page 5, insert a new paragraph as follows:

"Missouri River, between Kansas City from the upper end of Quindaro Bend to Sioux City, Iowa, in accordance with the report of the Board of Engineers for Rivers and Harbors, submitted in House Document 1120, Sixtieth Congress, second session, with a view to securing a permanent navigable channel, and to conform to the character and method of improvement of said river, now defined and proceeding under existing law on the reach between the point first named and the mouth thereof."

Mr. DEMPSEY. Mr. Chairman, I will ask that the gentleman from Missouri be given 15 minutes. The committee will have to oppose the amendment, but we believe that this project will be in condition where it can be adopted in the near future, and we think the gentleman should be given a patient and fair hearing. I therefore ask unanimous consent that he be given 15 minutes.

Mr. FREAR. Will time be given to Senator BURTON to discuss the Illinois River project?

Mr. DEMPSEY. The intention is to allow fair and free discussion, not an obstructive discussion, but a fair and free discussion, and there will be no disposition to be unreasonable.

Mr. BRITTEN. Does not the gentleman from New York think that Senator BURTON having been heard three times has been generously treated?

Mr. DEMPSEY. I think so.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Missouri [Mr. ELLIS] may have 15 minutes in which to discuss his amendment.

Mr. ELLIS. Mr. Chairman, I would rather submit my own request than to have it with restrictions.

The CHAIRMAN. The request of the gentleman from New York is that the gentleman from Missouri be permitted to proceed for 15 minutes to discuss his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. LaGUARDIA. Reserving the right to object, I want to ask the chairman if we are going to have a reasonable time to discuss the Cape Cod provision or will we be cut off?

Mr. ELLIS. Mr. Chairman and gentlemen, I realize that this is not the proper atmosphere in which to consider legislation. Besides that, I am a timid man in the presence of explosives.

The people who are behind this amendment want a fair deal by this House and by this committee. During the general debate which, as gentlemen will recall, was divided into four quarters of control, we made a sincere, earnest effort to get time in which to discuss this legislative proposal. The gentlemen in charge of the time, each and all, wanted to be kind and fair to us, I am sure, but they stated very frankly that the entire time must be exhausted upon the one question of the diversion of water at Chicago.

Mr. MOONEY. Mr. Chairman, will the gentleman yield?

Mr. ELLIS. I yield to the gentleman from Ohio.

Mr. MOONEY. I had time during general debate. I am favorable to the gentleman's project, and I want to say that I offered time to one of his people.

Mr. ELLIS. Very well; I did not know anything about the gentleman's kind offer. I thank him and can only say had he offered time to me I would have taken it mighty quickly. This proposal is worthy of your very serious consideration. The interests behind the project concern all of the 15,000,000 people in that area, in that whole zone of the Missouri. And, gentlemen, they are entitled to an unprejudiced hearing; not merely as suggested by the chairman, to have an opportunity to set up a pin here to be knocked down; not merely to get into the record. And, Mr. Chairman, we, the proponents of this amendment, are entitled to have the Members of this House consider it on its merits.

I was assured by the chairman in charge that when we came to the consideration of the bill in detail we should have ample time to be heard. I now ask that good faith be kept with us. I want permission now to yield to the gentleman from Nebraska, Judge SEARS, of Omaha, to have read from the desk a telegram from the editor of the Omaha Bee.

Mr. SEARS of Nebraska. As a part of the gentleman's argument, will he ask the Clerk to read the telegram in his time?

Mr. ELLIS. I ask that the telegram be read in my time.

The CHAIRMAN. Without objection, the Clerk will read, in the gentleman's time.

The Clerk read as follows:

Hon. WILLIS G. SEARS,

House of Representatives, Washington, D. C.:

The action of President Coolidge in directing the turning on of water on the irrigated farms at Scottsbluff was a wholesome rebuke to bureaucratic methods at Washington. We grant that the details of Federal activities must often be carried on through bureaus, but bureau chiefs are too far away from the work they direct, and the aloofness under which they work tends to develop in them a tendency to regard their prerogatives and their power as matters of greater importance than the well-being of the people whose destinies are to so large an extent in their hands. The Scottsbluff situation is an example. However, there is at this time a situation of red-tape control in Washington that in its effect upon the Middle West is much more injurious. The Omaha Bee protested strongly against the sacredness of red-tape worship in the case of the Scotts Bluff situation, and it now protests against another instance where the Congress itself is indulging in precedent worship.

Plans are under way for the development of a great system of interior waterways, which are designed to give to the interior sections relief from the burden of rate inequalities brought about as a result of the Panama Canal. Canal rates are building up the coast sections and their immediate hinterland at the expense of the growth and development of the interior. Secretary Hoover has pointed out the necessities which the interior faces and has outlined a comprehensive waterway system, including the upper Missouri River. The Engineering Department of the United States Army has reported on this project and declared it to be a practical engineering proposition. The next step is a matter of major policy which should of right be passed upon by the Congress itself and not delegated to any subordinate department of the Government.

The Army Engineers should of right pass on the question of the engineering possibilities. They have passed upon that question and given it their approval, but simply because they have also always heretofore passed on the question of the amount of commerce that would be available is no reason for making much a system perpetual. This is simply a blind worship of precedent and the Omaha Bee protests against it as strongly as it protested against the short-sighted policy of the Interior Department at Scottsbluff. Whether this section of the Middle West is entitled to have the great Missouri River made navigable in order that we may be placed upon at least a near basis of equality with the coast sections is a matter of major policy, and the Members of Congress have no right to side step the duty to pass upon such a question. Simply because it has always been handled by passing the buck to the Army is no argument for refusal to do it the right way now. The responsibility for the deplorable situation at Scottsbluff was the responsibility of bureau chiefs. President Coolidge intervened in that case and cut the red tape. In the present case the responsibility is directly chargeable to the Congress itself. Either the committee should realize that it stands upon slippery ground when it refuses to act because of some red tape and reverse its decision, or the Congress itself, by direct vote, should adopt the amendment now before it and which has for its purpose the including of the upper Missouri as an approved project. In this way the matter will have been decided as a question of major policy by the direct representatives of the people who should of right be the ones to decide it. When the railroads were built out into this interior empire their builders did not haggle over the question of the amount of commerce to be developed; they were empire builders as well as railroad builders.

Surely the representatives of the people have as great a vision of empire as did the builders of the railroads, and the Members of the Congress should not close their eyes to the necessities of these millions of people and the tremendous wealth that is to-day dependent upon an extension of the interior waterway system into a section that is even more dependent upon relief than any other section of the country. We are helping to pay for the Panama Canal, and we demand that we be not compelled to suffer longer from the inequality in freight rates that the canal operation has brought about. Even if work were to start upon the upper Missouri River at once it would be years before any relief would come. Therefore there should be no further haggling over the matter. It is not fair to the people that this matter be pushed into the discard by passing the buck to the Army. Further such action is beyond the dignity as well as beyond the duty of the Congress. You have been leading in this fight, and for that reason the Omaha Bee sends this protest to you with the request that you read it to the Congress, and that you present it to President Coolidge and to Secretary Hoover with the request that as the Scottsbluff situation was saved by a cutting of red tape, this situation demands the same handling and for still stronger reasons. The Scottsbluff situation affected a few thousand people; this situation affects millions. We are wiring to the President and to the Secretary direct. I have in mind that an ample report has really been made in 1908, not only as to navigation, but as to commerce, under which work on the Mis-

souri River is now progressing between St. Louis and Kansas City, and which report from the district engineer and the Board of Engineers is still in force.

BALLARD DUNN,

Editor in Chief Omaha Bee, Omaha, Nebr.

Mr. ELLIS. Mr. Chairman, the utterances of this editor of a great paper reflect a public sentiment that should not be lightly regarded.

As I now proceed, let me say I am very grateful to you, gentlemen of the committee, for the calm that has seemingly followed the storm that was raging when I took the floor and for the attention you are now kindly according me.

The benefits to be conferred by this amendment far transcend any special or peculiar concern in my district. I have been requested to introduce the amendment by my colleagues of the entire zone of the Missouri River. What is our case? I have asked that this map be brought in here in order that I might indicate to you precisely what the situation is and what we are asking by this amendment at your hands. If you look at the map, first brought before you by the chairman in charge of the bill, you will see by the coloring that the Missouri River on the east and west reach from the mouth to Kansas City has been authorized. Money from year to year is being appropriated to carry forward the improvement. An allotment of \$2,000,000 has been made out of the present appropriation for work upon that reach during the coming fiscal year. The Congress is committed to the improvement of the Missouri River up to that point. The project was adopted in 1910. In 16 years there has been expended of the original authorization of \$20,000,000, something like \$8,000,000. The engineers hold out to the interests involved out there assurance that, by the expenditure of from two to three million dollars a year for three years, this stretch of the river east and west across Missouri will be so far improved that barges can be put into the water; that within a period of something more than five years that stretch of the river will be completely improved and barges can be moving in cooperation with the barge line now on the Mississippi River.

What is the simple issue that we make? The issue is whether the people of the upper Missouri Valley shall or should be required to wait 3, 5, perhaps 10 years, until full completion of that first reach of the river before any appropriations may be made or any work may be begun to enable them to participate in the benefits or have part in the relief. That is the issue, and it is one of mighty moment to the people concerned. Mr. Dunn, in his telegram, gives you some idea of the feeling out there.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ELLIS. Mr. Chairman, I have yielded so much of my time I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 15 minutes additional. Is there objection?

Mr. DEMPSEY. Mr. Chairman, I shall have to object to that.

The CHAIRMAN. Objection is heard.

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent that the gentleman proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Missouri may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. ELLIS. I gladly yield to my colleague from Missouri.

Mr. ROMJUE. I understand that Secretary Hoover has recommended this project.

Mr. ELLIS. Absolutely. And I maintain that the President, in his message to this Congress, recommended that work of improvement on this reach of the river as an integral part of the Mississippi Valley system of waterways be vigorously prosecuted. I will get to that presently if time is afforded me.

Mr. ROMJUE. And that the engineers who have made the survey of this also recommend the project?

Mr. ELLIS. The present Board of Engineers for Rivers and Harbors has found and published that the river above Kansas City is, from engineering standpoints, precisely what it is below Kansas City; and that the development of the river through this reach—in fact, clear to Pierre, S. Dak.—is absolutely feasible from an engineering standpoint; that the same plan, the same character of improvement, a 6-foot channel in low water, with 200-foot widths around the bends, is entirely practical and feasible all the way through.

I want to say now, for I am not going to be able to say in a connected way what I had in mind to say, that the Board of

Engineers for Rivers and Harbors of 1908, a board of unsurpassed caliber, headed by Colonel Lockwood, found these two reaches clear to Sioux City not only feasible from the standpoint of a channel for commerce, but also from the standpoint of commerce for the channel.

Mr. SOSNOWSKI. Will the gentleman yield for a question?

Mr. ELLIS. I am very sorry to decline, but I wish the gentleman would not ask me to yield, unless the gentleman can get me more time. I want to say furthermore, and I would like the attention of the chairman in charge of this bill, the examination of these reaches of this river in the report, No. 1120, is in reality the examination, report, and approval upon which the reach of the river below Kansas City is now being improved; that upon the admission of Colonel Lockwood, chief of engineers, no further investigation was made in 1910, except a boat trip from Kansas City down the river to the mouth. So, gentlemen, we have exactly the same warrant for authorizing improvement of the reach of the river above Kansas City, from all angles, that we had for authorization of the improvement that is now going on below Kansas City.

Mr. BEGG. If the gentleman will yield, will he tell us how much this project is likely to cost the Government when it is done?

Mr. ELLIS. This project as approved by the engineers in this document, which is included in this amendment, will cost \$50,000 a mile. The same as below Kansas City—the original estimate for both reaches—plus the additional cost of that kind of work now over the work that was done in 1908 and 1910.

Mr. SIMMONS. The engineering report shows there are a good many miles of the river that require no improvement at all, only at points where work is required.

Mr. ELLIS. The engineers' report shows that from the mouth up to Sioux City not more than 10 per cent of the river needs any improvement at all.

Mr. SEARS of Nebraska rose.

Mr. ELLIS. There is now and always a 6-foot to 10-foot depth 90 per cent of the way. Improvements relate to but 10 per cent of the way.

Mr. SEARS of Nebraska. Is it not a fact that the stretch of river goes through the greatest grain-growing section in the world and will save those farmers at least 6 cents a bushel on their grain?

Mr. ELLIS. Yes; and the evidence presented to the Board of Engineers for Rivers and Harbors shows there are shipped out from five towns in that reach of the river above Kansas City to Sioux City annually more than 40,000 tons of wheat. If one-half of that wheat were to go forward at the rate that wheat is being carried below St. Louis upon the barge line to-day, it would save the farmers of Kansas and Nebraska and the Dakotas, conservatively, \$20,000,000 a year.

Now, gentlemen, I would like, if a few minutes remain, to present the situation out there in the West to-day. I will call attention to the sweep of this zone of the Missouri River. Survey it on the map. There are 700 square miles in the drainage basin of the Missouri River. Fifteen million people are living in that area to-day. In that area is the highest developed, the most efficient agriculture to be found on the face of the earth. Reflect upon that agricultural area, the most productive on the face of the globe. Reflect upon the fact that embraced in the 10 States comprising that zone are 15,000,000 of our American people. Reflect—others will give details if you will give them the opportunity; I must generalize but shall not exaggerate—that those people are facing the most tremendous, the most acute, and most distressing transportation problem that was ever confronted by any people at any time anywhere; that from this one cause, high transportation cost, agriculture languishes, and every other productive industry falters in distress and uncertainty; that in that country of long hauls and of magnificent distances railroad rates on all commodities, incoming, outgoing, and from point to point, already oppressively high before the war, have been increased since the war from 60 to 100 per cent; that railroad competition in coast-to-coast traffic afforded by the Panama Canal instead of helping has, as the editor has said in his telegram, wrought positive injury; that the Mississippi River, the so-called "basing line," is in reality the dead line, where, when once you cross, you leave behind all hope of railroad rates that are endurable. Reflect particularly that the railroads throughout that zone hold out no hope whatever for lower transportation cost; on the contrary, are even now contending—and the challenging public hardly dare hope the contentions are not sound—that existing rates are not yet compensatory and must range still higher.

Understand me; I do not pose as baiter or antagonist of the railroads of the West. Cost left out of account, they are probably

right now rendering the best train service the public has ever been afforded. The roads, moreover, insist that as respects attitudes and policies, they are frozen within the conditions imposed upon them and regulations applied to them. I do not enter upon that issue, if issue is to be made. I present the situation. I must take account of the fact that whereas but a few years ago these roads were avowedly patrons and benefactors of the cities, towns, and communities they served—were at least trying to preserve an economic equilibrium—now they are quite as avowedly entirely out of the patron and benefactor business. The point I make is that not a ray of hope, not a promise of relief from that intolerable situation is coming, or may be expected to come, from railroad developments, policies, prospects, or management.

Now, where does this lead us? In the vernacular, where do we go from here? The situation I have presented is to-day so understood and so appreciated among the 15,000,000 of that interior zone who suffer from it. The light has dawned slowly, but within the last year it has dawned. The people are at last determined to do something about it; the elders have been called into council; conferences have been held; leadership has developed; and organization has been perfected.

At the Kansas City conference last October 750 delegates from communities in these 10 trans-Mississippi States were in attendance. The character and quality of these delegates and their relationships to western life and affairs are reflected by the 46 men who emerged as directors of the permanent organization. I will take the time to read the directors for the one State of Nebraska. They are typical of all—

W. P. Warner, Dakota City, attorney; E. R. Mathers, Gering, president Associated Chambers of Commerce of Western Nebraska; Harry L. Keefe, Walthill, president Nebraska State Farm Bureau Federation; A. J. Weaver, Falls City, horticulturist and banker; O. H. Zumwinkel, Lincoln, commissioner Nebraska Manufacturers' Association; J. W. Shortbill, Omaha, secretary Nebraska Cooperative Grain and Livestock Association; Ballard Dunn, Omaha, editor Omaha Bee; Clarence Sheldon, Columbus; H. G. Keeney, Omaha, president Nebraska Farmers' Union; A. M. Leafdale, Hastings, president Nebraska Wheat Growers' Association.

I read now two extracts from the declaration by those 46 directors of their principles and program:

The transportation and general economic conditions now existing in the States of Kansas, Missouri, Iowa, Nebraska, South Dakota, Oklahoma, and Colorado create a crisis in the economic development of both agriculture and industry in those States and demands the immediate relief that would be afforded by Missouri River navigation.

To improve and navigate the Missouri River would give the farmers and merchants and manufacturers of the western Corn Belt, of the Winter-Wheat Belt, and of the Spring-Wheat Belt—the farmers who produce America's bread and meat—an outlet at the lowest possible cost to the centers of population—to Pittsburgh, to the vast food-buying regions of the South, to the open sea, and the markets of the world. In other words, we must improve and navigate the Missouri River, and do it now.

Then, to show their range of vision, they add:

To remedy an untoward and un-American situation we behold one and only one avenue of relief, and that avenue is the earliest possible employment of the great natural waterways in the Mississippi Valley for transportation.

Mr. Chairman, I make the further point that the platform and program of the people whose cause I plead is the platform and program of the Coolidge administration. Let me make that plain, and I will shortly conclude.

To that conference the head of the Department of Commerce was invited to, and to speak. Mr. Hoover addressed himself directly to the problem, first declaring that by the organic act creating it the department over which he presides is enjoined to assist and promote the end for which the conference was striving. Listen to what the great Secretary prescribed on that occasion, and answer by your votes whether our people are not justified in asking for this earnest of the Congress to extend relief. I quote him also because he sharply rebukes some narrow views expressed in this debate, and at the same time commends the broader views of the committee reflected in the framing of this bill:

The Mississippi system and its tributaries form two great series of north and south and east and west arteries through 18 of our States. They are declared by our engineers to be feasible of improvement for modern water transportation for a total of 9,000 miles. There lies within these 9,000 miles two of the great trade routes of our Nation—one of them north to south across the entire Nation; the other east and west across nearly half the continent. Therefore I visualize a great trunk waterway 1,500 miles in length up the Mississippi and Illinois

from New Orleans to Chicago, and extending thence by the Lakes to Duluth. I visualize an east and west waterway from above Pittsburgh to Kansas City, 1,600 miles, along the Allegheny, the Ohio, the Mississippi, and the Missouri. * * * And in addition to these main stems of 3,100 miles we need diligently to complete the improvement * * * of * * * the upper Missouri, the upper Mississippi * * *, the intracoastal canals, and the other tributary waterways. * * *

First and foremost, we must envisage our inland waterways as great unified transportation systems, not as isolated units. We must conceive and attack their construction as a connected whole, not as a collection of disconnected lake and river projects, which has been our habit in the past. The success and usefulness of any transportation system, whether rail or water or highway, will depend upon a broad interconnection of numbers of great cities and their agricultural and industrial hinterlands not only between themselves but with the seaboard. Nor are the economic problems of the Middle West, such as our agricultural problems, limited to the valley of one river or tributary. They are vivid in every State, and we must march to their relief as a whole with a broad vision of their needs and the full utilization of our resources.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ELLIS. I ask unanimous consent to proceed for five minutes more.

Mr. DEMPSEY. Mr. Chairman, there are other Members who want to speak on Missouri matters. We have promised them that they should have time. The gentleman has had 25 minutes.

Mr. ELLIS. I am very grateful for the time I have had, but I want a little more.

Mr. SCHAFER. We who represent so many States ought to be able to give the gentleman a little more time in which to present his arguments.

Mr. ELLIS. I want five minutes.

Mr. MADDEN. Mr. Chairman, I think the gentleman ought to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ELLIS. I want now to present what the Secretary of Commerce said before the Committee on Rivers and Harbors when he appeared before them. I want to show that the picture I have drawn is the true picture and that we are right in our contention that there is no other source of relief than the improvement of our rivers. Mr. Hoover said:

The completion of the Panama Canal, together with the increased railway rates east and west to seaboard, have given the Atlantic and Pacific seaboard industries an advantage over the mid-west industries for increasing distances inland on both sides of the continent. The result of this has been to shrink up what otherwise would have been the normal growth of mid-west commerce and to drive it closer to the seaboard.

Mr. Chairman, it is unpleasant to have to confirm that statement; but it is true that the industries in the growing towns on the Missouri River, where they are remaining at all, are hanging on by their eyebrows in expectancy of this relief, and industries are actually moving from those cities to-day. They are moving away from the farmers, from the raw materials produced on the farms. That is injuring the near markets, which are the farmers' best markets.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield for a question?

Mr. ELLIS. Yes.

Mr. SCHAFER. This is a very important proposition, and the gentleman has brought a considerable number of facts before the House. Can the gentleman inform the House whether or not the Committee on Rivers and Harbors are in favor of this proposition?

Mr. ELLIS. Well, I wanted to read some more from Mr. Hoover, but perhaps before I close I should make two or three things plain. In the first place, in proposing this amendment we are not antagonizing the Rivers and Harbors Committee; we are not antagonizing the members of that committee or the distinguished chairman of the committee. Not only that, but we have had the assurance of a large number of them, including the chairman, that they have a very keen appreciation of the situation that exists out there, and are not without sympathy with our legislative proposals. It will not, I trust, be overlooked that the gentleman from New York, in not too generously asking that I be accorded time, was considerate enough to say that he believed this project can be adopted in the near future. If soon, why not now?

Now, we want this amendment adopted for two reasons: First, the one I gave, that there will be an authorization, so

that, beginning next year or year after next, something can be done on that stretch and the work can be going forward in preparation of that stretch of the river for use in connection with the Missouri River below, the Illinois to Chicago, the Ohio to Pittsburgh, and the Mississippi to the sea. We want it for another reason.

Mr. Chairman and gentlemen, the farmers of the West are waiting and hoping for this earnest of the intention of Congress to make good the practical program of waterway development in the Mississippi Valley so splendidly projected by the Secretary of Commerce. Whatever else may or may not be done, this may be done. And with this demand of agriculture, everybody else in every community of the interior West is in hearty accord. I implore you, my colleagues, to turn a hospitable ear to this appeal.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. ELLIS. Yes; I yield.

Mr. ROMJUE. According to the telegram, read just a month ago, an appeal has been made to President Coolidge to recommend this project. What response has he made?

Mr. ELLIS. Of course, no one quotes the President. I do not pretend to. But I will say this, the President is friendly to this proposal. I stand upon that and challenge anybody to deny it.

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLIS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER rose.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes, 5 to the gentleman now about to speak, 5 to the gentleman from Nebraska [Mr. SIMMONS], and 5 minutes to the chairman.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this amendment close in 15 minutes. Is there objection?

Mr. HOWARD. Will the gentleman yield for a question? Does not the chairman know that there are about 11 States out there that are peculiarly interested in this one project? At least one or two Members from each State would like to have a chance to say a word in behalf of it. Why not give us a chance?

Mr. DEMPSEY. Let me say to the gentleman that the trouble with the proposition is this: It is now 10 minutes past 10 o'clock. While we are sympathetic with this proposition, the committee has not had any opportunity to consider it, and we will have to vote against it. Does the gentleman want five minutes?

Mr. HOWARD. Surely.

Mr. DEMPSEY. Then, Mr. Chairman, I move that all debate close in 20 minutes.

The CHAIRMAN. The gentleman from New York modifies his unanimous-consent request and asks that all debate close in 20 minutes. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, I hope I may have your attention for five minutes. The exigencies of the occasion will not permit long debate. I favor this amendment for the approval of the project for the improvement of the Missouri River between Sioux City and Kansas City. I am vitally interested in this proposition, although the particular stretch of the river involved in this amendment does not touch my district. I live on the Missouri River, but upon that portion of the river which is already included among the projects heretofore approved, namely, the stretch from St. Louis to Kansas City. I favor a comprehensive program for the improvement of all our inland waterways for navigation. I believe that none of our great rivers can be improved more economically than the Missouri. But I have studied this problem, and I realize the vital importance of this amendment to the people of the great West. I am coming before this Congress asking you to have open minds, asking you to sympathetically consider the wants and the necessities of the great West, and asking you to consider this proposition as a meritorious one. In fact, there is not a more meritorious proposition included in the present bill than the one for the improvement of the Missouri River from Kansas City to Sioux City. The people in the territory adjacent or contiguous to the Missouri River are entitled to have this great river made navigable.

It has been frequently stated on the floor of this House that the Missouri River can not be improved for navigation, but I call your attention to the fact that the settlement of the

great West was over the Missouri River. It carried the commerce of pioneer days and was the greatest factor in the settlement and development of the West. I call your attention to the fact that for the money expended upon the Missouri River the United States has secured better and more permanent results than from any other expenditure for river improvement.

Between St. Louis and Kansas City, a stretch of 390 miles, there are less than 50 miles not susceptible of navigation. This obstruction is because of the shifting channels and wide spreading crossings. You gentlemen know that the depth of a river for purposes of navigation is determined by its depth at its shallowest point, and of the 390 miles between St. Louis and Kansas City, only 40 or 50 miles are not susceptible of navigation nine months in the year. But whenever the Missouri River is confined to definite channels and whenever the channel is narrowed, experience has demonstrated that it can be and has been made navigable.

Along the Missouri River there are stretches of 30 and 40 miles, where improvement was installed 25 and 30 years ago, and that improvement is as permanent as the granite around this Capitol. Throughout several of those stretches of 30 and 40 miles, improved 25 and 30 years ago, the channel has not only a depth of 5, 6, 7, and 8 feet, but during the greater portion of that distance the river has scoured to a depth of from 15 to 20 feet. The same natural condition which prevails on the lower stretch of the river between Kansas City and St. Louis prevails upon the upper stretches of the river. The Missouri River is navigable under ordinary conditions from its mouth to Fort Benton if the channel is narrowed and confined to definite limits thereby obviating shallow crossings, and engineers tell us that this is entirely practical and feasible.

Gentlemen, let me tell you something about the necessities of this case. More than 16,000,000 people are tributary to that region; more than 40,000,000 tons of farm commodities are grown along the banks of that river, and with a reasonable expenditure those commodities can be quickly brought to market by cheap water transportation.

A benign Providence has given the people of the Middle West a system of inland waterways, and by odds the greatest of these waterways is the Missouri River. It is capable of economically carrying a tremendous commerce. The cost of improving it for navigation is negligible as compared with the enormous economic benefits that will accrue from its utilization for transportation purposes. Providence has provided a great channel through which an enormous quantity of water is carried at all seasons of the year from the mountains and plains to the sea, which with but slight rectification will afford a stage of water sufficient to carry the traffic of an empire. It would be an economic crime not to harness this great waterway and utilize it for the purposes of transportation.

Gentlemen, water transportation is the most vital question in American public life. The people of 11 great States are appealing to you for fair treatment. We want to go along with you and cooperate in the development of a great inland waterway system which will furnish cheap transportation and contribute tremendously to the development of the agricultural interests of the great West. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SIMMONS. Mr. Chairman and gentleman, we have discussed in the Congress during the last few weeks farm relief, and eastern and southern men have told us western folk that they were for anything that would help the farmer if it were economically sound. Here is a proposal that is sound economically. It will help the farmer and business man materially in 11 of the great Western States that are now in agricultural distress.

What do we have? We men who believe in this Missouri River project have been to the Committee on Rivers and Harbors, we have plead with them to put the Missouri River in the bill. They told us they can not because a board of engineers has not reported favorably on its commercial feasibility. They have reported feasibly from an engineering standpoint.

We have been to the House leaders and they have told us the same thing; we have been to the President and he has told us that he was very much concerned and interested in it and favorable to it, but that we must have that report. So that we reach this place, men, in the consideration of the Missouri River: That the Rivers and Harbors Committee, that the President, and that the Congress of the United States are absolutely impotent to act until an Army major in Kansas City makes up his mind to report the commercial feasibility of this project. That is where we are. This House twice to-night has decided to override precedents, rules, and regulations, and carry out its

will in this bill. We who are interested in the Missouri River project are asking you to apply the same rule to the Missouri River that you have twice to-night applied to other provisions of this bill. We ask that you carry through what every member of the committee has assured us they want to do, and that is to put the Missouri River in this bill. If you can not do that then you must go before those 11 Western States and say you are impotent to do anything until Major Gee in Kansas City tells you you can act.

Mr. HUDSON. Will the gentleman yield?

Mr. SIMMONS. I yield.

Mr. HUDSON. Is there any other project in this bill that will bring as much relief to the agricultural interests of this country as the project the gentleman is now discussing?

Mr. SIMMONS. I do not believe there is a thing before this House on its calendar to-day that will bring the relief to the western farming States that this project will bring when once it is developed. [Applause.]

This is our appeal, men, that you give these Western States a fair, open chance to this river improvement, and the transportation relief that will come from this development. [Applause.]

Mr. HOWARD. Mr. Chairman and gentlemen, in just a little five minutes I dare not attempt to quote you any figures. I am going to devote these five minutes to an appeal to you in the name of all of those people out there in the Missouri Valley States, who have been waiting and waiting through all the years in the hope that a wonderful dream would come true. I have had that dream ever since I was a little boy. I have it yet, and I believe in it and I believe I am going to live to see that dream come true. [Applause.] I have dreamed that some day all of the surplus farm produce—and we do not have anything else—in all these valley States would be carried in barges down the Missouri River to the southern sea and from thence transported to the markets of the world at low-water transportation rates.

Ah, friends, this dream will come true. I want you to believe it will come true, and I want you to help me to-night to make it come true; give it a start at any rate. We are not asking for a dollar. We are just asking for recognition of our project.

You believe in dreams, do you not? You believe in dreams, men. Oh, do you not remember what little Bishop Sunbeams said? He said that every good dream will come true if you dream it hard enough and believe in it faithfully. That is what I am doing, and, oh, men, there is a wonderful reward at the end of believing. Do you not know that? Look at me. I am standing before you here now exhibiting proof that I have received my reward by keeping the faith. Here I stand before you to-night wearing my hair just like my Quaker forefathers wore theirs. How folks used to ridicule me for wearing my hair in that way, but they do not ridicule me any more. Why? Oh, I just kept on wearing my hair in this way as a little bit of ritualistic worship at the memory shrine of my Quaker people, and now behold my rich reward. Look up there in the gallery. [Laughter and applause.] Every well-regulated woman in all America has adopted my style of wearing her hair over her ears. [Laughter.]

Oh, my friends, all I ask of you now is to do the best you can to make my dream with reference to the Missouri River come true, and the best way I know to advise you to make my dreams come true is to plead with you to vote for the amendment which my colleague from Missouri has offered to you. I surrender back my time to some other fellow who lives on the river. [Laughter and applause.]

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee—

Mr. DEMPSEY. Mr. Chairman, I understand the gentleman is to use two minutes and a half and I am to use two minutes and a half, and I will ask the Chair to notify the gentleman at the end of two and a half minutes.

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, of all the projects which have been submitted to the Committee on Rivers and Harbors, this project is the hardest project for me to oppose. I am fond of the gentleman from Nebraska [Mr. HOWARD] and those who advocate this amendment; but this committee, if it is to continue to retain the respect of this House and the country, must conform to our rule that there will be no more pork barrel in river and harbor legislation. [Laughter and applause.]

If we are to act without the sanction, or the suggestion, or the approval of the engineers of the War Department—and we have not done so for the last 20 years—

Mr. ELLIS. Will my friend yield at that point?

Mr. McDUFFIE. Just for a second.

Mr. ELLIS. When does the statute of limitations run against a report of the Board of Engineers on Rivers and Harbors?

Mr. McDUFFIE. The Board of Engineers on Rivers and Harbors has not reported favorably upon this project for the last 18 years, and the gentleman knows it.

Mr. ELLIS. But they did report it 18 years ago, and are you not appropriating money to be spent below Kansas City under a report made 60 years ago?

Mr. McDUFFIE. If the House wants to go back to the position where the whole country can say its legislation so far as rivers and harbors are concerned is "pork barrel," then we should adopt this amendment, otherwise we should vote against it.

I regret exceedingly to oppose this amendment, but we do not know what the engineers will report. The committee knows nothing about this project. We do not know what volume of commerce may be developed. We hope some day to develop the Missouri River—and I pledge to those who are interested in this project that if I am here, I will look with sympathetic interest upon every appeal that is made for the Missouri River, but I can not vote for this amendment at this time.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOWARD. In the language of the advertisement, "Do it now."

Mr. DEMPSEY. Mr. Chairman, the difficulty with this upper Missouri project is simply this: The rivers and harbors projects are considered in this way: We adopt first the survey that comes from the resident engineer, which is sent to the district engineer, and he sends it to the Board of Engineers, and then to the Chief of Engineers, and last it comes to the Committee on Rivers and Harbors. Unfortunately these things have not been finished as to this project. The survey has been adopted; it has been sent to the resident engineer, but he has not completed consideration. It has never come to the Board of Engineers or to the Chief of Engineers. The committee has had absolutely no opportunity to consider this project.

At a time when this project comes before the committee in the regular way I beg to assure the Members from that section that it will be given the most careful and thoughtful consideration. They could not use the upper river until the lower river is completed. That will be in about two years. Under the circumstances the committee is forced to oppose this because there has been no opportunity for the consideration of it.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. ELLIS].

The question was taken; and on a division (demanded by Mr. DEMPSEY) there were 117 ayes and 21 noes.

So the amendment was agreed to.

Mr. BURTON. Mr. Chairman, I move to strike out on page 6, lines 4 to 14, inclusive—the Illinois River project.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BURTON: Page 6, strike out lines 4 to 14, inclusive.

Mr. DEMPSEY. Mr. Chairman, I move to close all debate on this section and all amendments thereto in 45 minutes.

The CHAIRMAN. The gentleman from New York moves to close debate on this section and all amendments thereto in 45 minutes.

The question was taken; and on a division (demanded by Mr. WILLIAMSON and Mr. SCHAFER) there were 118 ayes and 40 noes.

So the motion of Mr. DEMPSEY was agreed to.

Mr. BURTON. Mr. Chairman and gentlemen of the committee, I have spoken so many times on this project, and the House has given me such friendly attention that I do not wish to speak but a very few minutes. I ask, however, that you give patient attention to others who will speak on the same side.

I would not be doing my duty to my constituency, I would not be doing my duty to that great region of the Lakes, I should fail in my duty to the country, if I did not protest against this provision. It is threatening ruinous consequences to a great section of the United States and a waterway that is great in its magnitude and in its benefit to the people of this country. Why should you pass this now? The question about the validity of this provision is pending in the courts and is liable to be decided in less than a year, probably in less than eight months. Why should you adopt this provision when you are so uncertain as to the amount—the most skillful engineers have said that a diversion of 2,000 cubic feet is sufficient. I pause to say that I am not unfriendly to the Illinois improvement.

I am not unfriendly to a reasonable diversion at Chicago to take care of their health, but I am unfriendly to this improvement when it contemplates at the very beginning four times as much as is required; when a gentleman of such influence as the gentleman from Illinois [Mr. MADDEN] says that they will not be satisfied with less than 10,000 feet and when the proponents of this project are claiming an equal amount. Now, gentlemen, I leave this to you. There is a great issue here. Is a committee of this House to adopt a project when its benefits will be problematical and very doubtful and which will do irreparable injury to the greatest system of navigation in the United States?

I have witnessed this evening the ruthless riding over the Chairman's ruling, which I am satisfied was right. I have heard the pork barrel mentioned, and I tell you gentlemen in all seriousness there will be a revival of the agitation against the pork barrel. I tell you seriously that you who are interested in these river and harbor improvements are doing an injury to the cause that can not be remedied.

I make this appeal to you to vote out this proposition, to do justice to the Great Lakes, not to adopt a proposition, the first in the history of river and harbor improvements which inflicts so serious an injury upon a great region, so vital to the prosperity of this country, so great in all its possibilities. [Applause.]

Mr. MADDEN. Mr. Chairman, if all of the dire things that have been predicted by the gentleman from Ohio [Mr. BURTON] had happened on any one of several public questions that have arisen in the last five or six years there would not be anything in America worth thinking about. [Applause.] There is no proposition in this bill more worthy of favorable consideration than the one about which he has just spoken and which he asks you to strike out. The improvement of the Illinois River, one of the greatest arteries of commerce within the system of interior waterways, is one of the paramount questions of the hour. It is one in which the people of the Middle West are seriously interested. The denial of the legislation proposed in this paragraph sought to be stricken out by the gentleman from Ohio will be notice to the people of the Middle West that they have no place in the consideration of the problems that come before this body.

Mr. WEFALD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I decline to yield just now. I say that the gentleman from Ohio [Mr. BURTON] has not been frank with you. He undertakes to prove to you that we are dealing with a problem which has no place whatever in the bill. The problem before us is the authorization of an appropriation for \$1,350,000 for the deepening of the Illinois River, in order that we may be able to connect the Great Lakes with the Gulf of Mexico and thus afford to the farms and factories of all the surrounding States of the Middle West an opportunity to transport their products at cheaper rates than they now enjoy. The gentleman from Ohio seeks to leave the impression that we are dealing with the waters of Lake Michigan, that we are draining the Lakes. Nothing of the sort! We are dealing with no such thing. We are dealing with the problem of improving the Illinois River, making it navigable between Utica, Ill., and Grafton on the Mississippi River, so that those who wish to use the inland water transportation of the Middle West may be able to utilize their facilities for the transportation of their products up and down the river and connect with the metropolis of the West at Chicago and thereby transport their products that come from the central regions of the Nation across the greatest internal waterway system in the world, the Great Lakes. Do you deny us the right to do that? Are we asking anything that we ought not to ask? Are we doing any injustice to any interests in America? Are we here with a legitimate proposition? Are the people of the Middle West to be dictated to by a few who are jealous of the prosperity and the progress of the pioneers who built up this great and prosperous Central West? [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. VOIGT. Mr. Chairman, the most important provision in this bill is the one in section 2, which authorizes the improvement of the Illinois River according to the plan submitted by the Board of Engineers for Rivers and Harbors on March 29, 1926, and contained in Rivers and Harbors Committee Document No. 4 of this session. The bill provides that the improvement shall be made in accordance with the plan stated in that document, and one must therefore study that document to find out what is proposed to be done.

Much has been said on the floor of this House as to what the plan is and what the consequences of its execution will be, and much misleading information has been given out. I

shall, therefore, confine myself strictly to the report of the engineers in what I have to say.

It appears from this document that since 1899 the Sanitary District of Chicago has been abstracting enormous quantities of water from Lake Michigan for the purpose of diluting Chicago's sewage, as well as the offal from large manufacturing plants, and also to get enough water to wash the sewage down the Illinois River. Since that time to the present the Secretary of War has permitted the abstraction of varying quantities of water, but in late years the quantity was restricted to 4,167 cubic feet per second. Notwithstanding this order, the drainage district, in defiance of the order, in defiance of common justice, and in defiance of the authority of the United States, has for many years abstracted 10,000 cubic feet per second and sometimes even more.

In 1908 the United States Government started an injunction suit against the sanitary district to restrain it from taking more water from Lake Michigan than authorized by the Secretary's order, and in that suit the sanitary district claimed that it had the right to take unlimited quantities of water from the lake, and that it applied to the Secretary of War for permission "as a mere matter of comity." In 1913 a further suit was started by the Government. These cases were pending before the court of the much-talked-of Federal Judge Landis, and when he resigned in March, 1922, he had made no disposition of them. I feel very much tempted to digress here for the purpose of expressing my opinion of this much-advertised judge. At any rate, in 1923 Federal Judge Carpenter at Chicago decided in favor of the Government. The sanitary district appealed, and on January 6, 1925, the Supreme Court of the United States decided that the sanitary district had no right whatever to abstract water for sewage purposes from the lake except that granted by the Secretary of War.

The court gave the district 60 days in which to obtain relief from Congress or the Secretary of War. The Secretary, on March 3, 1925, gave them authority to withdraw 8,500 cubic feet per second until the end of 1929, under certain conditions. The Secretary's order contemplates that the amount of water abstracted shall be gradually lessened, and that Chicago shall build ample sewage-disposal plants.

The Board of Engineers for Rivers and Harbors says, on page 5 of the document mentioned, that—

Diversion at Chicago lowers the level of the Lakes and thereby reduces the depths in harbors and channels and the amount of freight that can be carried on large freighters. It has been estimated that the loss on this account is about \$325,000 per year for each 1,000 cubic feet per second diverted.

This means that for the many years that Chicago has abstracted 10,000 feet per second, the direct loss to navigation on the Lakes has been over \$3,000,000 per year. It is also stated on page 237 that—

The condition is that the navigation interests on the Great Lakes have been seriously damaged by a lowering of the levels of the lakes by reason of the natural causes and artificial diversions, the damage chargeable to the Chicago diversion amounting to a capitalized money loss of about \$74,000,000 at the present time.

Beginning at page 245 of the document the board has given figures showing what this loss, under present conditions, will amount to in the future, very much in excess of the above figure.

Wisconsin, Michigan, Ohio, and other States now have suits pending in the Supreme Court of the United States to determine whether the drainage district has the right to abstract these huge quantities of water from Lake Michigan, even upon the order of the Secretary of War. Those of us who are opposed to this abstraction ask that this whole subject be put over until the Supreme Court has decided, and it is reasonable to expect a decision before the end of this year.

Now, let us see what sort of a plan is contained in this Document No. 4. The board says, at page 7, that—

the board in its present report is concerned primarily with providing an immediately workable scheme of navigation in the Illinois River, and hence has based its estimates on the actual existing diversion, which, as explained in paragraph 26, is approximately 8,250 cubic feet per second.

And still gentlemen here tell us that there is no abstraction or diversion of water provided for in this bill, and that the proposed canal can be operated without any water from Lake Michigan. It appears further from the document that the State of Illinois is developing part of this waterway at its own expense, and that the State's project is based on the withdrawal of 10,000 cubic feet per second from Lake Michigan.

It is true that the report of the Government engineers says that later on, after the Illinois waterway is established, the project may be changed so as to require less water, but it

should not be forgotten that such changes will require immense sums of money; that millions will be spent in then-existing improvements and structures; and that without any doubt whatever when such changes will be proposed a thousand tales of hardship can be told to influence Congress against the change.

How successful any effort at change in later years may be, may well be judged by the fact that the drainage district for these many years, in defiance of the authority of the Government, has abstracted these immense quantities of water. Furthermore, the drainage district is using this water to manufacture electric current, for which it is taking in over a million dollars per year. Further evidence of the hopelessness of getting any change in the future is the fact that right at this very moment, in spite of the bad record here disclosed, an indefensible, log-rolling bill is presented to us which seeks to legalize the abstraction.

The friends of the Chicago project tell us that our rights are fully taken care of by the proviso which is found in the bill, to the effect that the bill shall not operate to change the existing status of diversion or change the permit of the Secretary of War, but that the whole question of diversion, for sanitation, navigation, and other purposes shall remain unaffected. That proviso may catch the unwary, but what the bill really means is this: We will authorize the Illinois waterway to be built on a plan to take 8,500 second cubic feet out the Lake Michigan; we will allow it to operate on that basis, but for the present we will not talk about the subject of abstraction of water at Chicago. I submit to you gentlemen that if you are going to do anything at all before the Supreme Court decides, then there should be a definite limitation on the amount of water these people can take from Lake Michigan for sewage and power purposes, and that a definite time limit should be set when the abstraction shall cease altogether, except perhaps for a very small quantity, which will be sufficient for strictly navigation purposes. Notwithstanding this high-sounding proviso, the bill in effect legalizes the abstraction. The bill blows hot and cold in the same breath, to say the least.

Gentlemen tell us that compensating works can and will be built to restore the lake levels. Why have you not done it in the past 25 years? The engineers report that if they can be built at all they will not be effective until 1940, and furthermore, that they will have to be built partly on Canadian soil and will require a treaty between this country and Great Britain. If the works are built, less water will go over Niagara Falls, and is there any man here who can believe that Canada will consent to lesson her own water power at Niagara in order to satisfy the unjust ambition of the officials of the drainage district? Furthermore, suppose the levels can be restored by compensating works, should not the benefit inure to all the people of the United States for navigation purposes, instead of to the drainage district for its private purposes? This talk of compensating works is dragged in here to befog the issue.

Mr. Chairman, the Great Lakes constitute the greatest inland navigation system in the world. The annual tonnage on the Lakes is over 125,000,000 tons per year, and the water transportation on these Lakes saves our people at least \$1 per ton. It is inconceivable to me that a proper sense of justice will permit the partial destruction of this wonderful system for any private or public purpose whatever. It appears that you are about to do it. From the voting already done here it is apparent that you are going to put this bill over. You have just overruled the decision of the Chair on a point of order which rules out section 2, containing the Illinois waterway proposition. You have also overruled the Chair on another important ruling. Both of these rulings were fair and proper and in strict accord with the rules of this House. And yet, sometimes we hear fervent appeals for obedience to law here and denunciation of lawlessness and anarchy.

In reply to what the gentleman from Illinois [Mr. MADDEN] has said, about our predicting dire things, let me say that we not only have good grounds for predicting them, but I have called attention to the dire things which have already happened. It would be cheaper for the people of the United States to build sewage disposal plants for the city of Chicago, and make them a present of a million dollars' worth of electric power per year, than to permit the continued abstraction of this water. We would save untold millions in the future.

We are not jealous of Chicago, as intimated here. The people of my State are not jealous of her great neighbor. We want to see this waterway built, as it will be of benefit to us, but I appeal to the conscience of this House to put this matter over until the Supreme Court has decided, and at all events to stop this abstraction of water for sewage and power purposes. If this proposition came singly and alone before

this House, no appreciable number of votes would be cast for it, but you have bound and scrambled it up here in the most indefensible pork barrel bill ever presented to Congress. You even have a little bait in the bill for my district. You have not overlooked any district in the country, and your mutual back-scratching plans appear to be perfectly worked out. The few of us who are in opposition here must console ourselves with the thought that the passage of the bill here does not make it a law. [Applause.]

Mr. RAINEY. Mr. Chairman, if the building of this waterway depended entirely upon the diversion of water from the Lakes, I would join these gentlemen who are making this fight for lake levels. I want the lake levels preserved. For a long time in this House they have been fighting a proposition which is not an issue. The Illinois River, where this waterway is to be constructed, flows through my district for almost 150 miles. Congressman HULL of Illinois and myself are primarily interested in the waterway because we represent that section of Illinois where this waterway will be built. The question of taking water out of the Lakes is not in any way an issue in this case. What we are fighting for now is a channel 200 feet wide, with sloping sides, and wider at the bends, extending from Grafton, at the mouth of the Illinois River, to the mouth of the Des Plaines River, where the new Illinois waterway which we are building connects with the Illinois River. That is the fight, and we can construct it with 2,000 cubic second-feet of water diverted from the Lakes, or we can use more than that—

Mr. DEMPSEY. You can construct it with 1,000 feet average on 1,650 instantaneous.

Mr. RAINEY. That is true.

Mr. BURTON. Why not limit it in your bill instead of voting what the advocates say they must have—10,000 cubic feet?

Mr. RAINEY. It is limited in the bill.

Mr. BURTON. No; it is not.

Mr. RAINEY. Can anything be clearer than that this bill has nothing to do with the diversion. I represent the only section in this country which is injured in any way by this diversion. The city of Chicago can and will construct weirs and the Lake harbors can and will have better depths than ever. I represent the only section of the United States injured by this diversion from the Lakes; it is a material element in the overflow of 100,000 acres of land along the Illinois River, and if I thought this bill operated in any way so as to preserve the diversion you are afraid of I would be against this bill. But it does not do it. The question is absolutely taken out of this issue and you gentlemen have been filibustering here for a week upon an issue which does not exist. The bill saves the whole question of diversion from the Lakes. Talk about the matter being decided by the Supreme Court in some suit that is pending and which is coming on in October? The whole question was decided by the Supreme Court of the United States in January, 1925, in the case of the Sanitary District of Chicago against the United States, and the act of 1899—and it is time this committee knew what the issue was in this case—was by the court simply upheld. I will print this opinion of the Supreme Court in full under permission, which I expect to ask, to extend my remarks. Under the act of 1899 the Supreme Court held—and that is all there is in this case, I do not care how many suits you bring—the Supreme Court held that the engineers can control this diversion, and the engineers are instructed and authorized by the Supreme Court to control the diversion in such a way that it will not affect lake levels. This was a proceeding in which many States were permitted to participate.

Referring to the diversion from the lakes and to the waterways the city of Chicago and the State of Illinois have built and are building now, the Supreme Court say:

And it will be as well to bear in mind when considering it that this suit is not for the purpose of doing away with the channel, which the United States, we have no doubt, would be most willing to see closed, but solely for the purpose of limiting the amount of water to be taken through it from Lake Michigan.

The engineers, under the act of 1899, had issued a permit to the Sanitary District of Chicago to divert waters from Lake Michigan, and the sanitary district was taking out more than the amount so authorized. The injunction was sustained upon the theory that the Secretary of War and the engineers had a right under the law to say how much water should be diverted, and that is all there was to the case. After the rendition of this opinion the Secretary of War issued a permit specifying how much Chicago should be permitted to withdraw for the next five years, requiring the construction of certain sewage disposal plants within the next five years, and also requiring Chicago to preserve lake levels by constructing at her own expense weirs

at the lake outlets. Under the direction of the Secretary of War this work is now proceeding, and after the expiration of five years there will be a still further diminution of the amount diverted from the lake, and as speedily as possible the flow from the lake will be reduced to merely enough to operate sewage disposal plants in Chicago and, I hope also, enough to insure Illinois a 9-foot waterway. Another suit is pending. It involves substantially the same question. We need not expect any different opinion from the Supreme Court. Nothing could be more favorable to the lake cities than the opinion already rendered. The bill we are considering authorizes the construction in the Illinois River of the channel provided in Report No. 4 of the Sixty-ninth Congress, first session, and contains a proviso to the effect that the existing status of the diversion from Lake Michigan shall not in any way change the permit issued to the sanitary district in compliance with the decision of the Supreme Court of the United States, and this provision also recites that the question of the diversion of water from Lake Michigan "shall remain and be unaffected hereby as if this act had not been passed."

The filibuster which has been so long continued in this House against this bill on account of this provision is the silliest and most absurd filibuster ever continued in either of the branches of the National Congress. It is not the diversion from the Lakes they are afraid of. It is not at all difficult to understand the real issue in this case. If this waterway is built, iron ore can be brought from the Lake Superior regions to Joliet, Peoria, Havana, Beardstown, St. Louis, Alton, and any other city along the route of the waterway desiring to utilize this source of supply as cheaply as it can be carried by water to the city of Cleveland.

The gentleman from Ohio [Mr. BURTON] represents here the city of Cleveland, Ohio. He is the acknowledged leader of this disgusting filibuster. The Pittsburgh district of the United States is fighting this waterway. We have already disposed of the "Pittsburgh plus" method of distributing products from the Pittsburgh district. Iron ore in the Pittsburgh district is completely exhausted, and if we can bring Lake Superior iron ore to the cities in Illinois and to other cities on the lower Mississippi River, there will be a shifting of centers of distribution to that section of the country, and the great middle part of the United States will commence to assume the economic importance which has been so long denied to it. This is the issue, and the gentleman from Ohio and those who are helping him are fighting desperately against the development of the Mississippi and the Illinois River valleys. Over 30,000,000 people in the middle section of the United States are interested in this great question. They have rights which must not be sacrificed.

The State of Illinois is now investing \$20,000,000 in a 9-foot waterway extending from the southern terminus of the Chicago ship canal to the Illinois River at Utica. In order to build this waterway the State of Illinois amended its constitution. The Federal Government approved of the project. Every lock in the waterway has been approved by the Federal Government. The city of Chicago has expended a hundred million dollars in building the Chicago ship canal, and the improvement of the Illinois River contemplated in this bill will only cost the Federal Government about a million dollars, not much less than that if all the dams are taken out, not much more than that if some of the dams are left in. We can operate it with a thousand feet of water diverted from the Lakes, but the diversion will always be a little more than that. It would be bad faith on the part of the Federal Government now to permit the Illinois investment of \$20,000,000 in this waterway to become ineffective and useless to the State. We are being taxed now to pay for this waterway. It will be completed in less than three years. We want a 9-foot channel in the Illinois River to connect this waterway with the Mississippi River. The small amount of money that will be necessary to make this great improvement, from which so many millions of our population will benefit, is negligible. No complaint is made on account of the investment that will be necessary by the Federal Government. The barge lines are ready to go to Chicago as soon as these locks and dams are removed from the Illinois River. They are ready to land at our cities in Illinois and carry to the sea the produce of our farms and the goods that we manufacture in our factories. The great industries are climbing our eastern mountain wall and are locating now in the valley of the Mississippi River. The time has come to build this waterway.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. I ask permission to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears no objection.

Mr. RAINEY. Under the permission granted to me to extend my remarks I print herewith the opinion of the Supreme Court of the United States rendered in January, 1925, as to the withdrawal of waters from Lake Michigan, and I also print in this extension of my remarks the permit issued by the Secretary of War in the matter of the withdrawal of water from Lake Michigan, together with a report of the district engineer at Chicago:

WITHDRAWAL OF WATERS FROM LAKE MICHIGAN

Supreme Court of the United States

(No. 161.—October term, 1924)

The Sanitary District of Chicago, appellant, v. The United States of America. Appeal from the District Court of the United States for the Northern District of Illinois

Mr. Justice Holmes delivered the opinion of the court.

This is a bill in equity brought by the United States to enjoin the Sanitary District of Chicago, a corporation of Illinois, from diverting water from Lake Michigan in excess of 250,000 cubic feet per minute; the withdrawal of that amount having been authorized by the Secretary of War. It is alleged that the withdrawal of more, viz, from 400,000 to 600,000 cubic feet per minute, has lowered and will lower the level of the waters of Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, Sault Ste. Marie, St. Marys River, St. Clair River, Detroit River, Niagara River, St. Lawrence River, and all the harbors, etc., connected therewith, all of which are alleged to be navigable waters of the United States, and will thus create an obstruction to the navigable capacity of said waters; and that it will alter and modify the condition and capacity of the above named and their ports, etc., connected with them. The prohibition of such alterations and obstructions in the act of March 3, 1899, chapter 425, section 10; 30 Statutes, 1121, 1151, is set out at length and relied upon, but the frame of the bill does not exclude a reliance upon more general principles if they were needed in order to maintain it.

The withdrawal practiced and threatened is through an artificial channel that takes the place of the Chicago River, formerly a little stream flowing into Lake Michigan, and of a part of its branches. The channel instead of adding water to the lake has been given an opposite incline, takes its water from the lake, flows into the Des Plaines River, which empties into the Illinois River, which in its turn empties into the Mississippi. The channel is at least 25 feet deep and at least 162 feet wide, and while its interest to the defendant is primarily as a means to dispose of the sewage of Chicago (Missouri v. Illinois, 200 U. S. 496), it has been an object of attention to the United States as opening water communication between the Great Lakes and the Mississippi and the Gulf.

The answer shows that the defendant is proceeding under a State act of May 29, 1889, by which it was provided that a channel should be made of size sufficient to take care of the sewage and drainage of Chicago as the increase of population might require, with a capacity to maintain an ultimate flow of not less than 600,000 cubic feet of water per minute and a continuous flow of not less than 20,000 cubic feet for each 100,000 of the population within the sanitary district. It denies that the defendant has abstracted from 400,000 to 600,000 feet per minute, but as it alleges the great evils that would ensue if the flow were limited to the amount fixed by the Secretary of War or to any amount materially less than that required by the State act of May 29, 1889, and it admits present conditions to be good, the denial can not be taken very seriously. The act sufficiently indicates what the State threatens and intends to do unless stopped. The answer also denies that the abstraction of water substantially in excess of 250,000 cubic feet per minute will lower the levels of the lakes and rivers concerned or create an obstruction to the navigable capacity of those waters. It goes into the details of the construction of the channel, the expenses incurred, and the importance of it to the health of the inhabitants of Chicago, both for the removal of their sewage and avoiding the infection of their source of drinking water in Lake Michigan, which had been a serious evil before. It shows the value of the channel for the great scheme of navigation that we have mentioned; recites acts of Congress and of officers of the United States alleged to authorize what has been done and to estop the United States from its present course, and finally "takes the bull by the horns" and denies the right of the United States to determine the amount of water that should flow through the channel or the manner of the flow.

This brief summary of the pleadings is enough to show the gravity and importance of the case. It concerns the expenditure of great sums and the welfare of millions of men. But cost and importance, while they add to the solemnity of our duty, do not increase the difficulty of decision, except as they induce argument upon matters that with less mighty interests no one would venture to dispute. The law is clear, and when it is known the material facts are few.

This is not a controversy between equals. The United States is asserting its sovereign power to regulate commerce and to control the navigable waters within its jurisdiction. It has a standing in this suit not only to remove obstruction to interstate and foreign commerce, the main ground, which we will deal with last, but also to

carry out treaty obligations to a foreign power bordering upon some of the Lakes concerned, and, it may be, also on the footing of an ultimate sovereign interest in the Lakes. The Attorney General, by virtue of his office, may bring this proceeding, and no statute is necessary to authorize the suit. *United States v. Jacinto Tin Co.* (125 U. S. 273). With regard to the second ground, the treaty of January 11, 1909, with Great Britain expressly provides against uses "affecting the natural level or flow of boundary waters" without the authority of the United States or the Dominion of Canada within their respective jurisdictions and the approval of the International Joint Commission agreed upon therein. As to its ultimate interest in the Lakes, the reasons seem to be stronger than those that have established a similar standing for a State, as the interests of the Nation are more important than those of any State. (Re Debs, 158 U. S. 564, 584, 585, 599; *Georgia v. Tennessee Copper Co.*, 206 U. S. 230; *Hudson County Water Co. v. McCarter*, 209 U. S. 349, 355; *Marshall Dental Manufacturing Co. v. Iowa*, 226 U. S. 460, 462.)

The main ground is the authority of the United States to remove obstructions to interstate and foreign commerce. There is no question that this power is superior to that of the State to provide for the welfare or necessities of their inhabitants. In matters where the States may act the action of Congress overrides what they have done. (*Monongahela Bridge Co. v. United States*, 216 U. S. 177; *Second Employers' Liability Cases*, 223 U. S. 1, 53.) But in matters where the national importance is imminent and direct, even where Congress has been silent, the States may not act at all. (*Kansas City Southern Ry. Co. v. Kaw Valley Drainage District*, 233 U. S. 75, 79.) Evidence is sufficient, if evidence is necessary, to show that a withdrawal of water on the scale directed by the statute of Illinois threatens and will affect the level of the Lakes, and that is a matter which can not be done without the consent of the United States, even were there no international covenant in the case.

But the defendant says that the United States has given its assent to all that has been done and that it is estopped to take the position that it now takes. A State can not estop itself by grant or contract from the exercise of the police power. (*Texas & New Orleans R. R. Co. v. Miller*, 221 U. S. 408, 414; *Atlantic Coast Line R. R. Co. v. Goldsboro*, 232 U. S. 548, 558; *Denver & Rio Grande R. R. Co. v. Denver*, 250 U. S. 241, 244.) It would seem a strong thing to say that the United States is subject to narrower restrictions in matters of national and international concern. At least it is true that no such result would be reached if a strict construction of the Government's act would avoid it. This statement was made and illustrated in a case where it was held that an order of the Secretary of War under the act of March 3, 1899, chapter 453, the same act in question here, directing an alteration in a bridge must be obeyed, and obeyed without compensation, although the bridge had been built in strict accord with an act of Congress declaring that if so built it should be a lawful structure. (*Louisville Bridge Co. v. United States*, 242 U. S. 409, 417; *Greenleaf Johnson Lumber Co. v. Garrison*, 237 U. S. 251.) It only remains to consider what the United States has done. And it will be as well to bear in mind when considering it that this suit is not for the purpose of doing away with the channel, which the United States, we have no doubt, would be most unwilling to see closed, but solely for the purpose of limiting the amount of water to be taken through it from Lake Michigan.

The defendant in the first place refers to two acts of Congress—one of March 30, 1822 (3 Stat. 659), which became ineffectual because its conditions were not complied with, and another of March 2, 1827 (ch. 51, 4 Stat. 284)—referred to, whether hastily or not, in *Missouri v. Illinois* (200 U. S. 496, 526) as an act in pursuance of which Illinois brought Chicago into the Mississippi watershed. The act granted land to Illinois in aid of a canal to be opened by the State for the purpose of uniting the waters of the Illinois River with those of Lake Michigan, but if it has any bearing on the present case it certainly vested no irrevocable discretion in the State with regard to the amount of water to be withdrawn from the lake. It said nothing on that subject. We repeat that we assume that the United States desires to see the canal maintained and therefore pass by as immaterial all evidence of its having fostered the work. Even if it had approved the very size and shape of the channel by act of Congress, it would not have compromised its right to control the amount of water to be drawn from Lake Michigan. It seems that a less amount than now passes through the canal would suffice for the connection which the United States has wished to establish and maintain.

In an appropriation act of March 3, 1899 (ch. 425, sec. 10, 30 Stats. 1121, 1151), Congress provided:

"That the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited; * * * and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater or of the channel of any navigable water of the United States, unless the work has been recommended

by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same."

By section 12 violation of the law is made a misdemeanor and punished, and the removal of prohibited structures may be enforced by injunction of the proper court of the United States in a suit under the direction of the Attorney General. This statute repeatedly has been held to be constitutional in respect of the power given to the Secretary of War. (*Louisville Bridge Co. v. United States*, 242 U. S. 409, 424.) It is a broad expression of policy in unmistakable terms, advancing upon an earlier act of September 19, 1890 (ch. 907, sec. 10, 26 Stats. 426, 454), which forbade obstruction to navigable capacity "not authorized by law," and which had been held satisfied with regard to a boom across a river by authority from a State. (*United States v. Bellingham Bay Boom Co.*, 176 U. S. 211.) There is neither reason nor opportunity for a construction that would not cover the present case. As now applied it concerns a change in the condition of the Lakes and the Chicago River, admitted to be navigable, and if that be necessary, an obstruction to their navigable capacity (*United States v. Rio Grande Dam & Irrigation Co.*, 174 U. S. 690), without regard to remote questions of policy. It is applied prospectively to the water henceforth to be withdrawn. This withdrawal is prohibited by Congress, except so far as it may be authorized by the Secretary of War.

After this statute was passed the Secretary of War granted various permits, which are relied on by the appellant, although in their nature they all were revocable licenses. On May 8, 1899, the Secretary, on application of the appellant, granted permission to open the channel, assumed in the recitals to have a flowage capacity of 300,000 cubic feet per minute with a velocity of $1\frac{1}{4}$ miles an hour, on the conditions that the permit should be subject to the action of Congress—which was superfluous except as a warning—that if at any time the current created proved to be unreasonably obstructive to navigation or injurious to property he reserved the right to close or modify the discharge, and that the sanitary district must assume all responsibility for damages to property and navigation interests by reason of the introduction of a current in Chicago River. On July 11, 1900, improvements of the Chicago River were permitted, with the statement that the permission did not affect the right of the Secretary to revoke the permit of May 8, 1899. On April 9, 1901, the Secretary, Mr. Root, directed the sanitary district to cut down the discharge to 200,000 cubic feet per minute. On July 23, 1901, at the appellant's request, he amended the order to permit a flow of 300,000 feet between 4 p. m. and 12 midnight, subject to revocation. On December 5, 1901, again on the application of the appellant, leave was given to discharge not exceeding 250,000 feet per minute during the whole 24 hours, but subject to such modification as the Secretary might think that the public interests required. On January 17, 1903, the allowance was increased to 350,000 feet until March 31, 1903, after which date it was to be reduced again to 250,000 feet, all subject to modification as before. On September 11, 1907, and on June 30, 1910, permissions were granted to make another connection with Lake Michigan and to open a channel through Calumet River—this last refused by Mr. Secretary Taft on March 14, 1907—on the understanding that the total quantity of water withdrawn from the lake should not exceed that already authorized by the Secretary of War. Finally on February 5, 1912, the appellant, setting forth that the population of the sanitary district exceeded 2,500,000 and was increasing rapidly, and that the only method then available for disposing of the sewage of this population was by diluting it with water flowing from Lake Michigan through the canal, asked permission to withdraw not exceeding 10,000 cubic feet per second, subject to such restrictions and supervision as might seem proper to the Secretary and to revocation by him. On January 8, 1913, Mr. Secretary Stimson carefully reviewed the situation, including the obvious fact that so large a withdrawal would lower the levels of the Lakes and the overwhelming evidence that it would affect navigation, and held that he was not warranted in excepting the appellant from the prohibition of Congress on the ground of even pressing sanitary needs. It appears to us that the attempt to found a defense upon the foregoing licenses is too futile to need reply.

States bordering on the Mississippi allowed to file briefs as amici curiae suggest that they were not heard and that rights have not been represented before the Secretary of War. The city of Chicago makes a similar complaint and argues that it is threatened with the loss of a hundred million dollars. The interest that the river States have in increasing the artificial flow from Lake Michigan is not a right, but merely a consideration that they may address to Congress, if they see fit, to induce a modification of the law that now forbids that increase unless approved as prescribed. The investment of property in the canal and the accompanying works took the risk that Congress might render it valueless by the exercise of paramount powers. It took the risk without even taking the precaution of making it as sure as possible what Congress might do. But we repeat that the Secretary by his action took no rights of any kind. He simply refused an application of the sanitary board to remove a prohibition that Congress imposed. It is doubtful at least whether the Secretary was authorized to consider the remote interests of the Mississippi States or the sanitary needs of

Chicago. All interests seem in fact to have been copiously represented, but he certainly was not bound to give them a hearing upon the application upon which he was requested to pass.

After the refusal, in January, 1913, to allow an increase of flow, the appellant was notified by direction of the War Department that it was drawing more water than was allowed and was violating section 10 of the act of March 3, 1899. In reply it intimated that it was bound by the State law to which we have referred, and in obedience to it had been flowing 20,000 cubic feet per minute for each 100,000 of population and could not reduce that flow. It suggested that its rights should be determined by a suit, and accordingly this bill was filed on October 6, 1913. An earlier suit had been brought on March 23, 1908, to prevent the construction of a second channel from Lake Michigan through the Calumet River to the appellant's main channel leave to do which had been refused, as we have seen, by Mr. Secretary Taft. (The permit subsequently granted on June 30, 1910, was with the understanding that it should not affect or be used in the "friendly suit" then pending to determine rights.) The earlier suit was consolidated with the later present one, and it was agreed that the evidence taken in that should be used in this so far as applicable. There was some delay in concluding the case, which the defendant naturally would desire, but after it was submitted to the judge, according to his own statement, he kept it about six years before delivering an oral opinion in favor of the Government on June 19, 1920. No valid excuse was offered for the delay. There was a motion for reconsideration, but the judge took no further action of any kind until he resigned in 1922. On June 18, 1923, another judge entered a decree for an injunction, as prayed, with a stay of six months, to enable the defendant to present the record to this court.

The parties have come to this court for the law, and we have no doubt that as the law stands the injunction prayed for must be granted. As we have indicated, a large part of the evidence is irrelevant and immaterial to the issues that we have to decide. Probably the dangers to which the city of Chicago will be subjected if the decree is carried out are exaggerated, but in any event we are not at liberty to consider them here as against the edict of a paramount power. The decree for an injunction as prayed is affirmed, to go into effect in 60 days, without prejudice to any permit that may be issued by the Secretary of War according to law.

MARCH 7, 1925.

SECRETARY OF WAR'S DECISION ON THE CHICAGO DRAINAGE CASE

The Secretary of War has authorized publication of the following permit, and of the report of the district engineer at Chicago thereon:

[NOTE: It is to be understood that this instrument does not give any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized. It merely expresses the assent of the Federal Government so far as concerns the public rights of navigation. (See *Cummings v. Chicago*, 188 U. S. 410.)]

PERMIT

Whereas by section 10 of an act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," it is provided that it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same; and

Whereas application has been made to the Secretary of War by the Sanitary District of Chicago, Ill., for authority to divert an annual average of 10,000 cubic feet of water per second from Lake Michigan through the channels of said sanitary district; and

Whereas in the judgment of the Secretary of War, an annual average diversion of more than 8,500 cubic feet per second should not now be permitted;

Now, therefore, this is to certify that, upon the recommendation of the Chief of Engineers, the Secretary of War, under the provisions of the aforesaid statute, hereby authorizes the said Sanitary District of Chicago to divert from Lake Michigan, through its main drainage canal and auxiliary channels, an amount of water not to exceed an annual average of 8,500 cubic feet per second, the instantaneous maximum not to exceed 11,000 cubic feet per second, upon the following conditions:

1. That there shall be no unreasonable interference with navigation by the work herein authorized.

2. That if inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the permittee.

3. That no attempt shall be made by the permittee or the owner to forbid the full and free use by the public of any navigable waters of the United States.

4. That the Sanitary District of Chicago shall carry out a program of sewage treatment by artificial processes which will provide the equivalent of the complete (100 per cent) treatment of the sewage of a human population of at least 1,200,000 before the expiration of the permit.

5. That the sanitary district shall pay its share of the cost of regulating or compensating works to restore the levels or compensate for the lowering of the Great Lakes system, if and when constructed, and post a guaranty in the way of a bond or certified check in the amount of \$1,000,000 as an evidence of its good faith in this matter.

6. That the sanitary district shall submit for the approval of the Chief of Engineers and the Secretary of War plans for controlling works to prevent the discharge of the Chicago River into Lake Michigan in times of heavy storms. These works shall be constructed in accordance with the approved plans and shall be completed and ready for operation by July 1, 1929.

7. That the execution of the sewage treatment program and the diversion of water from Lake Michigan shall be under the supervision of the United States district engineer at Chicago, and the diversion of water from Lake Michigan shall be under his direct control in times of flood on the Illinois and Des Plaines Rivers.

8. That if within six months after the issuance of this permit the city of Chicago does not adopt a program for metering at least 90 per cent of its water service and provide for the execution of said program at the average rate of 10 per cent per annum thereafter, this permit may be revoked without notice.

9. That if, in the judgment of the Chief of Engineers and the Secretary of War, sufficient progress has not been made by the end of each calendar year in the program of sewage treatment prescribed herein, so as to insure full compliance with the provisions of condition 4, this permit may be revoked without notice.

10. That this permit is revocable at the will of the Secretary of War, and is subject to such action as may be taken by Congress.

11. That this permit, if not previously revoked or specifically extended, shall cease and be null and void on December 31, 1929.

Witness my hand this 3d day of March, 1925.

H. TAYLOR,
Major General, Chief of Engineers.

Witness my hand this 3d day of March, 1925.

JOHN W. WEEKS,
Secretary of War.

[First indorsement]

UNITED STATES ENGINEER OFFICE,
Chicago, Ill., March 2, 1925.

To the CHIEF OF ENGINEERS,

Washington, D. C.:

1. This is an application from the Sanitary District of Chicago, a municipality created under the laws of the State of Illinois, to divert 10,000 cubic feet per second of water from Lake Michigan for the purpose of keeping the sewage of that locality from contaminating its water supply and for reducing the sewage by dilution.

2. This question of the diversion of water from Lake Michigan has been so thoroughly investigated by the department and discussed at such great length in various reports that it is not believed advisable to enter into any descriptive or historical review before presenting the recommendations which are to follow. Detailed information of this character may be found in the report entitled "Diversion of Water from Lake Michigan," which was submitted by this office on November 1, 1923.

3. This application is prompted by the action of the United States Supreme Court on January 5, 1925, by which it sustained the position taken by the local United States court, requiring adherence to the limitations placed by the Secretary of War on the amount of the diversion. The local authorities are faced with the alternative of a reduction in the amount of diversion to 4,167 cubic feet per second by March 5, 1925, or relief from Congress or the War Department.

4. In the issuance of a permit the exact meaning of the word "diversion" should be understood. In the recommendations which follow, by "diversion" is meant the amount of water which is actually withdrawn from Lake Michigan by the Sanitary District of Chicago through its main drainage canal and auxiliary channels, and is not inclusive of the amount flowing in the channels which come from the sewers of the locality. In other words, "diversion" is taken to be the gross flow at Lockport, less the amount of water used by the city of Chicago for domestic purposes.

5. It is recommended that a permit be issued to the Sanitary District of Chicago, covering a period of five years, to divert from Lake Michigan, through its main drainage canal and auxiliary channels, an amount of water not to exceed an annual average of 8,500 cubic feet per second, the instantaneous maximum not to exceed 11,000 cubic feet per second. This permit should be made conditional upon the following:

(1) The Sanitary District of Chicago shall carry out a program of sewage treatment by artificial processes which will provide the equivalent of the complete (100 per cent) treatment of the sewage of a human population of at least 1,200,000 before the expiration of the permit.

(2) The sanitary district shall pay its share of the cost of regulating or compensating works to restore the levels or compensate for the lowering of the Great Lakes system, if and when constructed, and post a guarantee in the way of a bond or certified check in the amount of \$1,000,000 as an evidence of its good faith in this matter.

(3) The sanitary district shall submit for the approval of the Chief of Engineers and the Secretary of War plans for controlling works to prevent the discharge of the Chicago River into Lake Michigan in times of heavy storms. These works shall be constructed in accordance with the approved plans and shall be completed and ready for operation by July 1, 1929.

(4) The execution of the sewage treatment program and the diversion of water from Lake Michigan shall be under the supervision of the United States district engineer at Chicago, and the diversion of water from Lake Michigan shall be under his direct control in times of flood on the Illinois and Des Plaines Rivers.

(5) If, within six months after the issuance of this permit the city of Chicago does not adopt a program for metering at least 90 per cent of its water service and provide for the execution of said program at the average rate of 10 per cent per annum thereafter, this permit may be revoked without notice.

6. The average diversion from Lake Michigan during 1924 by the sanitary district has been approximately 8,500 cubic feet per second. This diversion combined with the discharge from the sewers of the locality produces a total flow at Lockport of about 9,700 cubic feet per second. This so closely approximates the flow necessary to safeguard against reversals of the river into the lake in times of storm (10,000 cubic feet per second) that a permit for diversion of 8,500 cubic feet per second will suffice in this regard. No obligation appears to rest with the department to prevent any increase in pollution of the Illinois and Des Plaines Rivers; the maintenance of status quo as regards amount of diversion will place the burden of relieving the lower river situation upon the sanitary district. Until the controlling works (condition 3) are completed, ample protection against the dangers of a reversal of the river is provided by the authority to divert an instantaneous maximum of 11,000 cubic feet per second.

7. Condition (1) as proposed provides for the execution of a sewage treatment program which will relieve the load on the Drainage Canal by the equivalent of a population of 1,200,000. Compliance with this condition will make possible a reduction in amount of diversion to 7,250 cubic feet per second or lower by the end of 1929. This condition looks to a reduction to 4,167 cubic feet per second by 1935.

8. It might be considered preferable to substitute the following condition for the one proposed so that definite yearly performance might be prescribed as closely as possible:

I. That the Sanitary District of Chicago carry out the following program of artificial sewage treatment of a degree sufficient to produce aggregate results equivalent to the complete (100 per cent) treatment of the sewage of a human population of at least 1,200,000.

BEFORE DECEMBER 31, 1925

- (1) Completion of Ninety-fifth Street pumping station.
- (2) Completion of Calumet intercepting sewer serving area south of Eighty-seventh Street, east of South Chicago Avenue and north of the Calumet River.
- (3) Removal of levee at entrance of Calumet-Sag Channel.
- (4) Completion of miscellaneous sewer connections to Calumet system (S. D. budget item 65-56-A-1).
- (5) Completion of Elmwood Park interceptor to Des Plaines plant.
- (6) Placing of contracts for extension to Des Plaines plant.

BEFORE DECEMBER 31, 1926

- (1) Purchase of sewer easements for Des Plaines project as follows:
 - (a) River Grove to Elmwood Park.
 - (b) Bellwood-Broadview.
 - (c) North Riverside.
- (2) Purchase of easements for sewer extensions to Calumet project:
 - (a) West Blue Island.
 - (b) Blue Island branch.
 - (c) Hegewisch.
 - (d) Riverdale and Dolton.
- (3) Dredging Little Calumet River.

- (4) Purchase of site for West Side plant, including land necessary for trickling filter addition.
- (5) Purchase of site for Southwest Side plant, including land necessary for trickling filter addition.
- (6) Completion of following auxiliaries to North Side project:
- (a) Interceptors from treatment plant south to Fullerton Avenue.
 - (b) Necessary siphons and controls.
- (7) Placing of contracts for completion of North Side plant.
- (8) Purchase of sewer easements necessary for West Side project.

BEFORE DECEMBER 31, 1927

- (1) Completion of following sewers of Des Plaines project:
- (a) River Grove to Elmwood Park.
 - (b) Bellwood to Broadview.
 - (c) North Riverside.
- (2) Completion of extension to Des Plaines plant—activated sludge—to give 1,945 capacity for connected area.
- (3) Placing of contracts for interceptors for West Side project.
- (4) Completion of new pumping station to replace existing Lawrence Avenue station.
- (5) Placing of contracts for extension of Calumet plant.
- (6) Placing of contract for West Side plant (Imhoff).

BEFORE DECEMBER 31, 1928

- (1) Completion of sewer extensions to Calumet project as follows:
- (a) West Blue Island.
 - (b) Blue Island branch.
 - (c) Hegewisch.
 - (d) Riverdale and Dolton.
- (2) Completion of extension to Calumet plant (Imhoff) to give 1,945 capacity for connected area.
- (3) Completion of North Side plant—activated sludge—to give 1,930 capacity for connected area.
- (4) Purchase of sewer easements necessary for Southwest Side project.

BEFORE DECEMBER 31, 1929

- (1) Completion of interceptors, west side plant.
- (2) Completion of west side plant (Imhoff) to give 1,945 capacity for connected area.

9. This condition is not recommended, however. It would be quite impractical to enforce, for there would be many changes to be made in the program during the course of its execution, and each change would require the approval of the Secretary of War and the Chief of Engineers and perhaps the rewriting of the permit. If condition (1) is couched in the more general terms recommended, it is proposed to inform the sanitary district that the performance expected of them will be as outlined in detail in paragraph 8, and this would permit minor departures to be authorized promptly as they were necessary.

10. The estimated cost of the proposed program is approximately \$54,192,000. The present bonding power of the sanitary district (3 per cent of the assessed valuation) is insufficient to finance this program; however, legislative authority may be obtained to increase this rate to 5 per cent—the constitutional limitation. The estimated revenue from bonds on this basis (including reissues) to December 31, 1929, is \$66,240,000.

11. Condition (2) merely obligates the sanitary district to pay its proper share of works to restore the levels or compensate for the lowering of the Great Lakes system should such works be constructed. It does not commit the department to any particular plan nor to the general proposition of restoration of lake levels. The posting of the guarantee will not embarrass the sanitary district financially nor interfere with the execution of the sewage-treatment program.

12. Condition (3) is considered necessary to permit an ultimate reduction of the diversion to 4,167 cubic feet per second. Controlling works of some sort will be required to keep the Chicago River from discharging into Lake Michigan in times of flood, and at least two types have been suggested which are believed to be practical.

13. The provision with reference to metering of the water service of the city of Chicago is included for three reasons.

(a) There will be a substantial saving in the cost of construction and operation of sewage-treatment plants due to the decreased amount of sewage to be treated.

(b) There will be substantial reduction in the amount of lake water used for domestic purposes.

(c) It will be possible for the city of Chicago to finance a filtration system for its water supply when its water consumption is reduced to a reasonable amount. When the water supply is filtered the dangers incident to an occasional reversal of the Chicago River will be entirely eliminated.

14. A shorter time limit for the permit is not recommended as results produced by the end of 1927, for instance, will not permit a reduction in the amount of the diversion which it is believed should be required in any renewal, no matter when it is made. Furthermore, sufficient performance can not be prescribed for a shorter period to insure completion

of a larger program looking to a reduction in diversion of 4,167 cubic feet per second by 1935.

RUFUS W. PUTNAM,

Major, Corps of Engineers, District Engineer.

Mr. CHALMERS. Mr. Chairman, I would like to ask unanimous consent to proceed for 10 minutes.

Mr. MADDEN. Mr. Chairman, I object to that. No one has asked for that, and no one ought to ask it.

Mr. CHALMERS. Mr. Chairman, I thank the gentleman. That is rather a test question. I wanted to see how far the managers on the part of this bill would go to shut out a senior member of the committee who is opposed to the measure and keep him down to five minutes on the bill. I want to say this, that I realize that there is nothing that I can say to you to-night that will change a vote on this measure. I was raised on a farm, and I recognize a steam-roller when I see it. [Laughter.] I do not think this is run by steam, though. I remember there was an advertisement for a particular kind of borax that would be more descriptive of the motive power behind this roller. [Laughter.] I want to say, Mr. Chairman and members of the committee, that the managers on the part of this bill and the Illinois proponents do not care a rap about the waterway at this time, but in my judgment they want to foreclose our interest in the Supreme Court of the United States in the case now pending between seven States and the State of Illinois and the Chicago Sanitary District set for hearing next October 4.

I want to read from the report of the Engineers what they say about this project:

At present the Illinois River with a 7-foot channel has at one end the uncompleted Illinois waterway, and at the other end a section of the Mississippi River with a project depth of only 6 feet. It is obvious that the present 7-foot channel is adequate under these conditions. However, the Illinois waterway will eventually be completed; and, considering the future of water transportation in this country, it appears probable that the need will ultimately arise for additional depth in the Mississippi below the mouth of the Illinois. In a properly developed and completed Mississippi system of waterways, it is the opinion of the board that a through channel from Chicago to the lower Mississippi would be an extremely important trunk-line waterway, and that its depth should ultimately correspond to that of the other major waterways of the system, to the extent that this is found practicable at a reasonable cost. This is confirmed by the traffic studies of the district engineer. It is seen from the table in the previous paragraph that, while large commercial benefits would result after the completion of the Illinois waterway from a 7-foot channel, the 9-foot channel would produce additional annual savings of some \$280,000, even with no change in the Mississippi projects.

Notice that General Jadwin uses the words "eventually" and "ultimately" when he refers to the time of completion of the Illinois waterway project.

Then, again, on page 16 I quote the following from General Jadwin's report:

For the present, however, the board believes it advisable to adopt the method of partial canalization. The movement of a heavy tonnage of commerce can not be expected until after the Illinois waterway has been completed. It is understood that this will require several years. If at that future time the large commerce expected has developed in such a way that the present Federal locks are becoming a serious obstacle to navigation, consideration should then be given to the relative desirability of the partial removal of the dams or the provision of increased lock capacity, as may be determined in the light of added information and experience.

It will require several years. If, at that future time—

And so forth.

Do you think the next Chief of Engineers, General Jadwin, would so refer to a project that will be completed in three years? No; those who know the present status and future prospects of the Illinois State portion of this project know it will not be completed in ten years. They also know that the Federal part of this so-called waterway; that is, the project in this bill, can be completed by the Board of Engineers within two years. Then why hurry?

Why not follow the advice of the gentleman from Illinois [Mr. MADDEN] when he preached the funeral sermon at the death of the Haugen bill. He said:

This is too important a question to pass over lightly; too intricate a problem to enter upon with uncertainty as to the outcome; too dangerous to undertake—

And so forth.

I say to the gentleman and all of my colleagues, why hurry? This is a most important matter. Why not wait for six months? I will tell you why they will not listen to reason and

wait for the short term of the Sixty-ninth Congress. They want congressional approval for diversion and want it now to influence the decision in the Supreme Court next fall.

Let me read to you some quotations from the answers of the intervening defendants filed in the Supreme Court two weeks ago:

These defendants aver that the subject matter of the cause of action set forth in the amended bill of complaint, upon which the complainants therein seek relief, relates solely and exclusively to the conduct of interstate commerce over the waters of the Great Lakes and the channels and harbors connected therewith and located along the shores thereof; that all of these waters, and all of the commerce, referred to in the amended bill of complaint, are interstate or international waters and interstate or international commerce, over which the United States has and has assumed exclusive jurisdiction, and for the following reasons these defendants do now hereby move that the amended bill of complaint herein be dismissed for want of jurisdiction and want of equity:

These defendants deny that the acts of the defendants, State of Illinois and the Sanitary District of Chicago, in diverting water from Lake Michigan into the canal of the defendant district, have never been authorized by Congress, but on the contrary allege that each and all of their acts have been duly authorized by the Congress; and these defendants further deny that said acts or any of them are in violation of the legal rights of the States of Minnesota, Michigan, Ohio, and Pennsylvania, or either of them, or of the legal rights of the people of said States, or any of them, in any respect whatsoever; and these defendants further deny that by said acts the defendants State of Illinois and the Sanitary District of Chicago are interfering with the common-law right of said States of Minnesota, Michigan, Ohio, and Pennsylvania, or either or any of them, or of their people, to have the free and unobstructed use of Lake Michigan and the various ports and harbors thereof, within the borders of said States, for the purpose of navigation, trade, and commerce, free from any and all interference with the natural navigable capacity of said lake or said harbors by any agency other than the States of Minnesota, Wisconsin, Ohio, and Pennsylvania, or the United States Government, or any one or more of them. These defendants are not advised as to the existence of any common-law right pertaining to said complaining States, or either of them, and deny as a matter of law that there is any common law pertaining to the respective States of the United States of America in their relations to and with each other. These defendants further deny that by said acts aforesaid of the defendants aforesaid there has resulted any interference whatsoever with the right of the people of Wisconsin, Minnesota, Ohio, and Pennsylvania, or any of them, to the free and unobstructed navigation of Lakes Michigan, Huron, Erie, and Ontario, and the navigable waters between said Lakes, and from said Lakes into the Mississippi River and the Atlantic Ocean. And these defendants further deny the existence of any common-law right in said people to said navigation aforesaid, but allege that all the rights of said people arise by reason of their citizenship in the United States of America, and these defendants specifically deny that any of said claimed rights of the people of said complaining States arise by reason of any express guaranty contained in the Ordinance for the Government of the Territory Northwest of the River Ohio, enacted by Congress on June 13, 1787; and these defendants further deny that by said acts aforesaid the State of Illinois or the Sanitary District of Chicago, or either of them, are in any manner whatsoever violating the provisions of the act of Congress of March 3, 1899, known as the rivers and harbors act of 1899, or of the provisions of section 10 thereof, or any other provisions thereof.

And these defendants further allege that the Congress of the United States is authorized under the Constitution of the United States to delegate to the Secretary of War power and authority to authorize the diversion of waters from Lake Michigan through said Lakes to the Gulf waterway for purposes of navigation and purposes other than those of navigation, as will be hereinafter more fully set forth.

On pages 35 and 36 of their answer they say:

Water transportation is materially cheaper than rail transportation. Rail transportation costs approximately ten times as much as water transportation on the Great Lakes, and five to seven times as much as water transportation on the Mississippi waterway system. The only relief to the farmer in the Mississippi Valley is to render available water transportation wherever it is possible.

On pages 37, 38, 42, and 43 they say:

From Grafton to St. Louis on the Mississippi River navigation is difficult, and during large portions of the year materially impeded by lack of sufficient water to insure adequate channel depths. The water diverted from Lake Michigan under the present permit of March 3, 1925, constitutes more than 25 per cent of the volume of the water in the river at St. Louis at low-water flow and throughout this stretch of river, and furnishes at critical points of navigation during

low-water periods from 2½ to 3 feet of depth over the bars, and for purposes of practical navigation under existing conditions the maintenance of this flow to an amount not less than the amount specified in the permit aforesaid is essential and can not be avoided.

From the mouth of the Ohio River, as far south as Vicksburg, the channel of the Mississippi varies very little, presenting numerous difficulties for navigation, in places where channel depths rapidly become uncertain during low water, and where bars and other obstructions to navigation frequently and without notice are formed. During low-water periods of navigation, as far south as Vicksburg, Miss., and in increasing amounts from there north, the water diverted from Lake Michigan in the amount specified in the permit aforesaid furnishes at least 1 foot additional depth over what would otherwise be found at the critical points over the bars, and is essential under present conditions for the maintenance of the channel depth specified in the Federal project for the improvement of the Mississippi River navigation.

The defendants further aver that in the exercise of the discretion aforesaid the Secretary of War is fully authorized to permit diversion of water from Lake Michigan into the sanitary and ship canal of the defendant, the Sanitary District of Chicago, and thence into the Des Plaines and Illinois Rivers to the Mississippi, even though such diversions do in a slight measure alter the capacity of any of the navigable waterways of the United States, and such exercise of discretion is fully justified by all the facts aforesaid, and the defendants further aver that the exercise of such discretion, justified as it is by the facts aforesaid, is a matter not within the power of this honorable court to review, but presents solely a question of legislative or administrative policy in due furtherance of the policy of the Congress announced in the acts aforesaid, and particularly in the first paragraph of section 500 of the transportation act of 1920, each and all of which enactments are constitutional exercises of the power of the Congress to regulate interstate commerce.

Now it is out. They want the volume of the Mississippi River at St. Louis increased 25 per cent by draining the Great Lakes. They want enough of our water to raise the depth of this river 2½ to 3 feet. On page 39 of their answer they acknowledge that from St. Louis north to the mouth of the Missouri there is now only a 6-foot project. My colleagues, there is not even a survey in this bill to make that link in this waterway a 9-foot project. So you see the transportation part of it is camouflage. It is abstraction, it is diversion, it is the "water steal" they want to fasten on the Great Lakes.

How wickedly wasteful this diversion is! General Jadwin says this Illinois waterway when completed may earn in transportation economy \$280,000 a year. Listen to General Taylor in the hearings before our committee last week. Let me quote from the resolution embodied in this bill:

Great Lakes: With a view to providing ship channels with sufficient depth and width to accommodate the present and prospective commerce at low-water datum for the Great Lakes and their connecting waters, and their principal harbors and river channels, either by means of compensation or regulatory works or by dredging and rock removal in the separate localities, or by both methods.

I quote from the hearings before the Rivers and Harbors Committee on the above project:

The CHAIRMAN. And you regard this as important an item as any river and harbor legislation for many years, do you not, General?

General TAYLOR. It is estimated that the saving to the country at large, due to the Great Lakes navigation last year, was \$187,000,000. That is what Mr. Sabin, who is the general manager of the lake carriers, estimated the saving to the country was, \$187,000,000. That means that is distributed over the whole United States. It is not local, because that saving is principally on ore from the head of the Lakes to the lower end and on coal going back, and everybody that uses a piece of iron or everybody in the Northwest that burns a pound of coal benefits from it. That figure is made up by taking the actual rates charged by the lake carriers and comparing those with the rates that would be charged by the rail lines, assuming that the railroads could carry it, which they could not.

The CHAIRMAN. And, as I say, taking all of that into consideration, this provision on page 20, from lines 6 to 12, inclusive, for a survey, having in mind this deepening of a channel or providing regulatory or compensating works, or both, is, is it not, perhaps as important a river and harbor legislative provision as has been presented to Congress in many, many years?

General TAYLOR. I think it is; yes, sir.

Mr. CHALMERS. Will you permit me, General Taylor? I would like to add for the record to your very clear statement as to the size of these boats and their capacity to carry more freight than I have figured on 367 of them operating in the year 1923, 2,000 tons and above; and if we had had the deeper channels, those boats could have carried 40,000,000 tons of additional freight.

General TAYLOR. Yes. That means, Mr. Chalmers, that those boats—either would have required less boats to carry what they did carry or the same boats would carry much more.

Mr. MANSFIELD. My information is that there are about 50 of those large 600-foot boats. Is that correct, Mr. CHALMERS.

Mr. CHALMERS. Yes. I think that is true.

The CHAIRMAN. And are not the rest of lesser size?

General TAYLOR. Yes. All of the newer boats, or the greater part of the newer boats, are of the large size, about 600 feet long, and their normal capacity is from 12,000 to 14,000 tons.

The CHAIRMAN. I remember General Beach testified before this committee on one occasion that he went to Detroit—he was there, I think he said, from 1900 to 1907—and I think he said that when he went there the average lake freighter was only about 2,500 tons, and when he left there it was between 5,000 and 6,000 tons. That is my recollection.

Mr. CHALMERS. I want to say this, and this is partly personal opinion, that in 1923, the year I made this study, the average cost per ton was 88 cents, long and short haul, but the average haul was over a thousand miles.

General TAYLOR. I guess that is right.

Mr. CHALMERS. Now, when we get to deeper channels of 25 or possibly 30 feet, in my opinion freight will be carried on the Great Lakes for half a mill a ton-mile. The figure of 88 cents cost per ton in 1923 covered the loading and the unloading of the freight, with the exception of coal. When this committee comes up to the Great Lakes this summer we will show you what we can do with loading and unloading coal. That means that you can load a ton and draw it 20 miles and unload it for 1 cent. I want to say that that is a commercial miracle, to handle a ton of coal 20 miles for a cent.

General Taylor, one of the transportation experts of the country, says that the Great Lakes are earning \$178,000,000 per year. Not for the Great Lakes interests alone but for every man, woman, and child in the United States. Everyone who uses a pound of iron or a bucket of coal in every nook and corner of the country shares in the earning power of this modern miracle of transportation efficiency. Do not let them destroy it. Save it for to-day and for future generations. The most patriotic thing you can do in this Congress is to save the water levels of the Great Lakes.

Mr. WILLIAM E. HULL. Now, Mr. Chairman and gentlemen, I shall take only a few minutes to explain to you what the Illinois River project is, where it goes, and what it means to the great Central West.

First of all, before I refer to the map, I want to call your attention to the fact that on account of the transportation proposition of the West, on account of the great difficulties that the farmers have in the West, it seems necessary, according to Secretary Hoover and the President of the United States, that we should develop these great western waterways, such rivers as the Ohio, the lower Mississippi, the Missouri, the intercostal canal, and the upper Mississippi, making a great waterway section of the West.

But what is the use of completing those waterways that I have mentioned to you unless you will make a connection of those waterways with the Great Lakes of the United States? If you do not do that, you gentlemen of the West and you gentlemen of the East, the money you are spending on these other waterways would be absolutely useless. You must have this connection; and, as the advocate of the Illinois River, I want to say to you gentlemen here in Congress to-night that as the advocate and the introducer of the bill, if I thought for one moment that I was injuring the Great Lakes in putting this bill through the Congress of the United States I would gladly withdraw it.

The real fact is that the men who have made this fight, including the gentleman from Ohio [Mr. BURTON], all of them have made a mountain out of a molehill. The real truth of the matter is that there is absolutely no diversion in this project, and what is more, I want to go further and say to you gentlemen to-night—

Mr. VOIGT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM E. HULL. No; I can not yield.

If we were shut off entirely by a decision of the Supreme Court, so that not a drop of water could come out of the Great Lakes, we could complete this waterway from Utica to Grafton with the very water that runs into it by its tributaries. The Illinois River starts at Morris and the project starts at Utica. The report of the engineers, who were two years in making their report, states that from Utica to Grafton, 223 miles, they can make a deep waterway by simply removing two old locks and deepening the channel, at a cost of \$1,350,000.

This [indicating] is the Desplaines River. It does not run into the lake nor take any water from the lake. This river

is the Kankakee River. This river is the Vermillion River. This river is the Du Page River, and this river is the Fox River. Those rivers will fill the channel without a drop of water from Lake Michigan. This river is Spoon River, and this one, the Mackinaw River, and this, the Sangamon River, can be made navigable streams.

Mr. BURTON. The statement the gentleman makes is absolutely incorrect.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILLIAM E. HULL. The gentleman has no right to say that. He has made so many misstatements himself that he should not make such a statement concerning the statement of another Member.

Mr. HUDSON. Mr. Chairman and gentlemen, let me call attention to the fact that the gentleman from Illinois [Mr. WILLIAM E. HULL] says this project does not contemplate the diversion of any water from the Lakes. There is not any member of the committee but who, with this bill before him, will find that this project takes out 10,000 cubic feet per second of water from the Great Lakes. I call your attention to that on page 49 of this report. I read:

The board, in its present report, is concerned primarily with providing an immediately workable scheme of navigation in the Illinois River, and hence has based its estimates on the actual existing diversion, which, as explained, is approximately 8,250 cubic feet per second.

Mr. VOIGT. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. VOIGT. May I say to the gentleman that the law of Illinois, under which the Illinois River is being improved, according to the report which the gentleman holds in his hand, contemplates the abstraction of 10,000 cubic feet per second.

Mr. HUDSON. Yes, that is true; as shown on page 49 of the report.

Let me call your attention to this: We are trying to provide water transportation but we do not want to do it at the expense of the greatest inland waterway of the United States, and that is what this means. The report before you, and upon which you are asked to act, says that it will lower the levels of the Lakes, and in so lowering them you will hinder the commerce on the Lakes.

I want to call this to your attention: That when you lower the levels of the inland lakes you have put upon every farmer in the Northwest an additional burden in the way of transportation cost as to his grain, because the freighters can not carry full cargo. You have put upon the manufacturing plants in the Middle East, as to their iron ore, an additional amount, which they will have to pay, because the freighters can not carry full cargoes of iron ore. You have put an additional burden upon every householder in the Northwest, because those freighters, going back with the coal to keep them warm throughout the winter, can not carry a full cargo, and they must be lighter bound.

In addition to all of this, do you want to develop a waterway that is questionable at the expense of the greatest inland waterway we have? Do you want to aid the little territory that is tributary to this stream at the expense of the great States of the Northwest? I do not believe you do. I believe that the gentleman from Illinois [Mr. WILLIAM E. HULL] has this very moment shown you why you should never have brought this proposition before the House in the river and harbor bill but should have allowed it to come before the House upon its own merits, and not be bound up with these other issues.

I trust you will not adopt this provision in the interest of the great Northwest. You may forget Michigan, but when you do you lower the property value of every person who holds property upon the Great Lakes of Michigan. In the interest of the farmer, in the interest of the consumer, and in the interest of the producer generally you should vote against this proposition to-night. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SABATH. Mr. Chairman and gentlemen, I want to assure each and every one of you that Chicago and Illinois are just as much interested in the Great Lakes as the gentlemen from Cleveland, Toledo, Milwaukee, and Detroit. We are interested in the Great Lakes to the same extent and to a greater extent. There is nothing in this bill that will lower the levels of the Lakes. There is a provision in the bill which, if carried out, will restore the Lakes to their former levels, and Chicago is ready to pay the cost.

Mr. HUDSON. Will the gentleman yield?

Mr. SABATH. I can not yield.

Mr. HUDSON. Will not the gentleman tell us how you are going to do that?

Mr. SABATH. I will tell and show you later on. You people are unfair and you are unjust; you do not want to hear the truth, so there is no use of my wasting my time on you. The men from Cleveland, Detroit, Michigan, and Wisconsin do not want to hear the truth. The fact is that every statement you have made against Chicago is unfair and unjust. You have deliberately and willfully vilified Chicago and the State of Illinois. [Applause.] I say, gentlemen, we have been fair with you; we have not in any way misled you. The farm organizations and the commercial organizations of this country indorse this project, and I say to you that the navigation interests of this country are satisfied, because they believe that when we build compensation works we will raise the level of the Lakes at least 3 feet.

Now, the charges that the navigation interests have suffered are untrue. During the last 20 years we have been building bigger ships, bigger vessels, with greater tonnage than ever before, and we have been increasing the carrying capacity of vessels from year to year.

Last week for nearly three days there has been more mud slinging on the floor of this House than I have heard during my 20 years of service.

It is to be regretted that some of the Members should have fallen victims to the highly organized Canadian power propaganda.

Of course, I realize that some have made these attacks on Chicago for home consumption and for political reasons which no doubt will be badly needed by them. Of course, there are some who are honest and sincere but who have been misled by the so-called Great Lakes navigation interests; the Steel Trust and the Standard Oil companies.

But whether it was for one reason or another we have witnessed a splendid mud-slinging contest, and it is a question in my mind as to whether the gentleman from Toledo, the gentleman from Cleveland, or the gentleman from Detroit should be accorded the title of champion mud slinger.

However, I am satisfied that the Membership of the House will not be swayed by these coarse, outrageous, and unfair epithets applied to Chicago, and they will act upon the actual facts and not on misrepresentations or accusations.

Now, what are the facts?

This bill provides, and I read from the bill the following, on page 6:

Illinois River, Ill., in accordance with the report submitted in Rivers and Harbors Committee Document No. 4, Sixty-ninth Congress, first session, and subject to the conditions set forth in said document: *Provided*, Nothing in this act shall operate to change the existing status of diversion from Lake Michigan or change in any way the terms of the permit issued to the Sanitary District of Chicago March 3, 1925, by the Secretary of War, but the whole question of diversion from Lake Michigan, for sanitation, navigation, or any other purpose whatsoever shall remain and be unaffected hereby as if this act had not been passed.

That is all that is in the bill relative to the Illinois River or Chicago, and it does not authorize or sanction the taking of a single drop of water for any purpose. All it does it provides for modification of the existing project, for a channel 9 feet deep and 200 feet wide from the mouth of Utica, by dredging and by partial removal of the two State dams and the retention and minor alterations of two Federal locks and dams. There is not a single word in the bill that would authorize any diversion. Whatever diversion there is now is under a permit of the Secretary of War issued after prolonged hearings March 3, 1925.

Under this permit the sanitary district is authorized to use up to 1920 the amount of water which is now necessary, but after that the amount is reduced to 4,000 feet. As the various sewage plants that are now being constructed are completed the amount in accordance will be reduced.

So it is not this bill but it is the permit obtained from the Secretary of War that permits the taking of a certain amount of water for sanitary purposes.

Now, I ask my Toledo, Detroit, Michigan, and Wisconsin friends, Is it of greater importance that the Canadian power interests secure greater amount of horsepower and profit than it is to protect the lives and health of upward of 4,000,000 people, not only of Chicago but in adjoining towns? What is of greater moment, the lives and health of 4,000,000 people or a little additional profit to the power interests and a few additional thousands to the Steel and Gas Trusts?

But notwithstanding your charges the sanitary district is not responsible for the lowering of the Lakes more than about 4 inches, and is therefore not responsible for any loss that the

navigation interests, namely, the Steel Trust and Standard Oil companies, suffered. But have they suffered? Is it not a fact there is a greater amount of freight carried to-day than at any time in the history of the Lakes?

Is not it a fact they have built and are building vessels of greater tonnage than ever before?

And do not you know that every recognized engineer and every engineer of standing has reported that the levels of the Great Lakes could be raised 3 feet with a small expenditure of around \$500,000, and that without injury to anyone, by constructing, as has so well been explained by the gentleman from Missouri [Mr. Newton], the control works in the St. Clair River.

Do you not know if Chicago should continue indefinitely to take the amount of water which it does now the levels of the Lakes can not be lowered farther?

And that the lowering of the Lakes is not due to the amount of water taken by the sanitary district, but is due to the lack of rainfall in the Lake regions, as shown by the reports of the department, and to other causes.

Chicago has deposited \$1,000,000 to raise the levels of the Lakes by constructing control works, which, in my mind, however, is unjustified and should be borne by the Federal Government.

All these facts you can not deny knowledge of. So why not be honest if that is possible and give the House the main reasons of your opposition?

It is amusing to hear these gentlemen charge Chicago with failure or neglect to provide for disposal of its sewage. What are the facts again?

The sanitary district expended more than six times as much as Milwaukee, more than twenty times as much as Cleveland, and nearly one hundred times as much as Detroit for sewage disposal, and is now constructing and has under contract over \$30,000,000 worth of sewage-disposal plants.

The North Side sewage-treatment plant, begun in 1922, will be completed next year, which will cost approximately \$26,000,000 alone. In addition the corn products treatment plant, about \$3,000,000.

The stockyards treatment sludge plant, about \$14,000,000. The west side sewage treatment Imhoff tank plant, \$25,000,000.

The southwest side sewage treatment plant and two other plants estimated cost to be about \$30,000,000.

Our program or work now under construction and plants arranged for will cost the city in addition to the money already expended close on \$100,000,000.

These tremendous expenditures and the work will not only be to the benefit of Chicago and the people adjoining Chicago, but will be of benefit to all the adjoining cities on Lake Michigan.

May I ask what is Toledo, what is Cleveland, what is Detroit doing in that respect?

I am calling attention to these facts not because there is anything in the bill that in any way has anything to do with the matter but merely for the purpose to show that these charges against Chicago are unfounded, unjustified—yes, untrue.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Chairman, I shall occupy the two minutes given me by saying that Chicago is not quarreling with her sister cities upon the Great Lakes. The matter of diversion and the matter of lake levels can be adjusted satisfactorily if other communities will cooperate with us. But we all have one large interest which we should seek to serve in this legislation. We in the Middle West are in a peculiar situation; through the irony of fate we are handicapped and have been injured by the greatest improvement this country has ever made in the interest of commerce, the Panama Canal. The Panama Canal has furnished extraordinary commercial opportunities for the Atlantic and Pacific seaboard, but those opportunities are denied to us in the Middle West. It is but belated justice that the Middle West shall have an opportunity to reap some of the benefits of the building of that great ship canal and when this improvement, the Illinois waterway, is completed the Middle West, not only Chicago but all of the other cities in this great territory, its agricultural interests and all of its commercial and industrial enterprises will be brought hundreds and thousands of miles nearer the commerce of the world. For that purpose we are pleading for the building of this waterway.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I want to refer briefly to the report, in answer to the statements of the

gentlemen who are advocating this Illinois proposition and who say that it can be operated without water from Lake Michigan.

There is a gentleman who has been operating barges on this river and on the Mississippi River, Mr. Goltra, who is said to know more about it than anybody else. Mr. MORGAN, of the committee, asked him this question:

I want to know if you have the knowledge of the amount of water that is required to continue transportation during the season of which you complain the supply of water is insufficient, the amount of water that is necessary to abstract from the Lakes?

His answer was:

I should say nothing less than the 8,000 cubic feet which is coming out now.

Mr. HULL asked Mr. Goltra a question as follows:

I would like to ask Mr. Goltra one question. I think you know as much about this as the engineers, and more. What I want to know from you from a navigation standpoint, what I am trying to get at—it is my own contention and I would like to get it from you—if you do not get this water out of Lake Michigan that the whole thing will flop because you would not have the water?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DEMPSEY. Mr. Chairman, in closing this debate on the Illinois River project I want to say we have debated at great length the question of the enormous value of the commerce upon the Great Lakes, and we all agree about that. It is of enormous value. Second, we have debated the question of diversion at Chicago. That is not in this bill. It is not here for discussion. It is not a matter that is before you at all. The proposition before you is one, and only one, and that is the providing of a waterway from Utica, Ill., to Grafton, Ill., deep enough to give a 9-foot channel to connect the Great Lakes with the Mississippi. That is the only question involved.

Water is going down there. It is bound to continue to go down there in steadily diminishing volume for at least 10 or 15 years; and when it ceases, and as it ceases to go down there, this channel will continue to be deepened so it can be operated with a steadily lessening amount of water, and in the end it will be operated with 1,000 cubic feet average and 1,650 feet instantaneous flow of water, and that amount of water can be furnished and will be furnished both from tributary rivers and from water used for domestic purposes.

The bill itself does not provide for any diversion; but to safeguard it in a double way, we provide affirmatively that this bill shall not in any way deal with the question of diversion.

This bill does something for the Great Lakes. It provides for our installing regulatory works which will, in the end, regulate and raise the Lakes so they will have more than their original depth. We hope to get 24 feet instead of 20 feet. This bill is of enormous benefit to the entire Great Lakes region. It connects the Illinois with the Great Lakes. That is one thing and is something that is of enormous value to them. Secondly, it provides for these regulatory works, which will increase the depth of the Great Lakes and increase it 3 or 4 feet, way beyond what the depth was before this season of drought. It will not only offset this diversion at Chicago, which is to be stopped, and will be stopped; it will not only offset the 4 or 5 inches but it will provide 4 or 5 feet of additional depth in the Great Lakes. Therefore in this bill we are providing more for the Great Lakes than for any other part of the United States, and we are doing more for the Great Lakes than has ever been done altogether throughout their history.

The CHAIRMAN. The time of the gentleman from New York has expired.

The CHAIRMAN. The question is on the motion of the gentleman from Ohio [Mr. BURTON] to strike out certain lines on page 6 concerning the Illinois River project.

The question was taken; and on a division (demanded by Mr. BURTON) there were—ayes 54, noes 128.

Mr. CHALMERS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. DEMPSEY and Mr. CHALMERS.

The committee again divided, and the tellers reported that there were—ayes 58, noes 139.

So the motion was rejected.

Mr. JOHNSON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Indiana: After line 15, page 5, insert a new paragraph, as follows:

"Wabash River, from Wabash, Ind., in accordance with the report of the Board of Engineers for Rivers and Harbors submitted in House Document No. 1001, Sixty-third Congress, second session, with a view to securing a permanent navigable channel and to conform to the character and methods of improvement of said river, now defined and proceeding under existing law, on the reach between point first named and the mouth thereof."

The question was taken; and on a division (demanded by Mr. JOHNSON of Indiana) there were 25 ayes and 78 noes.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. (a) The contract dated July 29, 1921, executed by the Boston, Cape Cod & New York Canal Co., and transmitted to Congress by the Secretary of War and printed in House Document No. 139, Sixty-seventh Congress, second session, is hereby ratified on condition that such company files with the Secretary of War its consent in writing that paragraph 8 of such contract be amended to read as follows:

"8. The payment of the amount herein agreed to be paid, or any part of same, to the said canal company is to be upon the express condition that the Boston, Cape Cod & New York Canal Co. waives, in writing, any and all claims of any nature whatsoever that it may have against the President, the Director General of Railroads, or the United States, and upon such release the Director General of Railroads shall release the company from any claim or demand against the company growing out of Federal control."

(b) The sum of \$5,500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the acquisition by purchase, in accordance with the terms of such contract modified as provided in section 1 of this act, of the Cape Cod Canal and other property referred to in paragraph 1 of such contract.

(c) When the Secretary of War has certified that the company has filed its consent, in writing, to the modification of the contract provided in section 1, and when the Attorney General has certified that title to such property has passed to the United States, the Secretary of the Treasury is authorized to pay at maturity the principal of the bonds referred to in such contract, and to pay the interest coupons thereon as they fall due each year after the passage of this act until the bonds are retired. The Secretary of the Treasury may, in his discretion, pay before maturity, as stipulated in the contract, the principal sum of \$6,000,000 or any part thereof to the holders of the bonds. Nothing in the contract or in this act shall exempt or release the bonds or the income therefrom from any taxation, national, State, or municipal, to which otherwise they would be subject. The amount necessary to make the several payments in this section provided is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DEMPSEY. Mr. Chairman, I offer the following committee amendment.

Mr. LAGUARDIA. Mr. Chairman, I make a point of order against the entire section, on the ground that it is not a river and harbor project. It is clearly a canal. It is for the purchase of a canal. The Chair will recall that in the last Congress this very bill before the House reported from the Committee on Interstate and Foreign Commerce that the Committee on Rivers and Harbors had no jurisdiction then, and it has no jurisdiction now. It does not belong in the bill, and is not properly before the House.

Mr. SCHAFER. Mr. Chairman, I make the further point of order that under the rules of the House, Rule XI, the Committee on Rivers and Harbors has been held not to have jurisdiction of the construction of canals.

Section 678 of the manual says:

But a provision relating to a commission to investigate the condition and uses of waters adjacent to an international boundary line, as well as propositions for the construction of canals and for irrigation, have been held not to have been within the jurisdiction of the committee.

I call the Chair's attention to a decision in Hinds' Precedents, volume 4, section 4220, where it says that the subject of canals is not within the jurisdiction of the Committee on Rivers and Harbors:

On February 7, 1907, the river and harbor appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. J. Warren Keifer, of Ohio, proposed an amendment as follows:

Add after line 7, on page 101, the following paragraph:

"Big Miami River from the Ohio River at or near Cincinnati, northward along the line of the Miami and Erie Canal to a connection with Lake Erie at or near Toledo, and as to its practicability, utility, and with a view to obtaining the cost, if completed, of a ship canal connecting for the purpose of trade and commerce the whole Ohio River and Lake Erie."

Mr. James R. Mann, of Illinois, made a point of order, saying:

"An amendment of this sort upon this bill is not in order because it is neither the improvement of a river nor a harbor."

That matter was settled years ago in the case of the Hennepin Canal. The point of order was sustained by the chairman at that time that it was not in order upon a river and harbor bill upon the ground that the Hennepin Canal was not an improvement of a river or a harbor and the item went out on the point of order.

Now, the Chairman in this case held:

It is perfectly clear to the Chair that this is not within the jurisdiction of this committee.

The CHAIRMAN. As a usual proposition the construction or acquisition of canals or similar waterways is not within the jurisdiction of the Committee on Rivers and Harbors, either for reference of such a proposition or for an original report of legislation dealing with it. But in the previous Congress, and again in the present Congress, bills dealing with the project of the Cape Cod Canal were referred to the Committee on Rivers and Harbors. In the present session of this Congress, on the 28th day of January, 1926, the Speaker of the House when he referred the Cape Cod Canal bill to the Committee on Rivers and Harbors made a statement to the House in which he incorporated his views that under the circumstances in this case with reference to this particular canal, jurisdiction over that subject was in the Committee on Rivers and Harbors.

Now, if the committee has jurisdiction with respect to the reference of the bill, an examination of Rule XI, both as to the first clause and the clause 56, will disclose the fact that it has jurisdiction in reporting the bill, as the language in both clauses is precisely the same. The Speaker having ruled that a reference of the Cape Cod Canal was within the jurisdiction of the Committee on Rivers and Harbors, the Chairman is constrained to rule that the right to report is likewise within the jurisdiction of the Committee on Rivers and Harbors, and so rules.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. There is a committee amendment which has been offered which the Clerk will first report.

The Clerk read as follows:

Committee amendment: Page 9, line 6, strike out the words "section 1 of this act" and insert in lieu thereof "paragraph (a) of this section."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 8, beginning with line 8, strike out all of section 2.

Mr. LAGUARDIA. Mr. Chairman, I realize that the House is tired and that the machine is well oiled. I know there is not any great hope of striking out this section or having any other amendment seeking to prevent waste of funds agreed to. River and harbor bills have had a black eye for a long time, and to-night you have blackened the other eye and given it a cauliflower ear. When some of us come before this House with a proposition of Government ownership, you classify us as radicals and Bolsheviks, but when this committee comes before the House with a proposition of Government ownership it is all right. The only difference between you and us is this: That when we suggest a Government-ownership proposition it is a profitable proposition, and when you come before the House you come here to dump something on the Government that has been a financial failure under private operation. [Applause.] Cape Cod Canal has been a financial failure, and it is not worth \$11,500,000. We will have to spend over \$11,500,000 more to make it useable. The question of national defense came up in connection with this item. That is simply ridiculous. You can not put a battleship through that canal unless you spend \$75,000,000 more on it.

Mr. SOSNOWSKI. Will the gentleman tell the House who owns the stock to-day in the Cape Cod Canal?

Mr. LAGUARDIA. Oh, I do not know who owns it, but somebody who owns it must be in right, I tell you that.

Mr. BRITTEN. Does it pay so well?

Mr. LAGUARDIA. It will pay well when you give \$11,500,000 for it.

Mr. McDUFFIE. Oh, that is not a fair statement of the facts.

Mr. LAGUARDIA. What is that?

Mr. McDUFFIE. That it will pay so well.

Mr. LAGUARDIA. It will pay well to those who now own the bonds.

Mr. McDUFFIE. The evidence shows that \$11,500,000 will not pay anything outside of the obligations against those who now own the canal.

Mr. LAGUARDIA. Does the gentleman know that it cost about \$2,500,000 to promote this proposition?

Mr. McDUFFIE. Oh, yes; I am familiar with all of that.

Mr. LAGUARDIA. Does the gentleman know that this proposition was kicked out of the United States court because of an exorbitant award?

Mr. McDUFFIE. I know that a jury of 12 men said this canal was worth more than \$16,000,000, and this Congress is going to pay only eleven million dollars and a half for it.

Mr. MANSFIELD. And the court entered a judgment to that effect.

Mr. McDUFFIE. And the court entered a judgment to that effect.

Mr. LAGUARDIA. Oh, no; it did not. The gentleman knows that in the case of the United States v. the Cape Cod Canal Co., reported in 271, Federal Reporter, page 877, the award of the jury was reversed on the ground that it was based on improper evidence permitted by the court. That award was based on capitalizing future and speculative profits, based on an entirely erroneous, hypothetical state of facts, and was reversed by the appellate court. [Applause.] And I say to the gentleman that the owners of the bonds did not dare to go back to trial on the law of the case as laid down by the Circuit Court of Appeals. That is why they were here last year, and that is why they are here again.

Mr. McDUFFIE. Oh, the gentleman wants to be fair in his statement of the facts about this case, and the gentleman is not stating the real facts. I submit in all due deference to the gentleman that after this judgment three Secretaries of the Cabinet—

Mr. LAGUARDIA. We are not discussing what the Secretaries of War did. No Secretary of War has the power or the authority to fix the price for the purchase of this or any other canal. As a matter of fact none did. Let us not get away from the real facts in this case. First, the canal was built as purely a speculative business proposition. There was a bond issue and stocks were floated. The promotion in this case was no different than in any other present-day financial enterprise.

If the enterprise is a success, the promoters—those who get in on the ground floor—and the bondholders make good money, and the stockholders get dividends. If it is not a good proposition, the promoters always get theirs, the bondholders are protected by their lien on the physical property, and the stockholders get stuck. Cape Cod Canal was not a financial success, as I have stated; but I venture the statement that if anyone lost any money it is the poor stockholders who bought in small lots and who in all likelihood are not holding the stock to-day. But the Cape Cod Canal venture, unlike other financial failures, is to be dumped on the Government for \$11,500,000.

Now remember that there will be more appropriations for this project. It is going to require several million more dollars to widen and deepen the canal. This \$11,500,000 is to go to the present owners of the canal.

On July 3, 1914, the canal was completed and open for vessels drawing not over 12 feet. In April, 1916, the canal was completed with a depth of 25 feet. The United States took over the canal in July—or to be precise, July 25, 1918—15 months after we had entered the war. I emphasize the 15 months, which is a complete answer to some of the assertions that have been made on the floor of the House as to the services rendered by this canal during the war.

It is my recollection that the War Department did not want to take over this canal. I believe a resolution was passed in the Senate requiring the War Department to take over the canal. Anyhow the War Department took over the canal in July, 1918. Condemnation proceedings were commenced by the Government on April 1, 1919. We were not at war in April, 1919. If the Cape Cod Canal was a successful business proposition, we may be sure that the owners would have demanded its return in 1919 and not induce the Government to institute condemnation proceedings five months after the end of the war.

Now, let us get back to the court proceedings. I went into this matter when the case was before us, and my remarks will be found in the CONGRESSIONAL RECORD of May 13, 1924, commencing on page 8475. Both of the distinguished gentlemen from New York, the chairman of the committee [Mr. DEMPSEY] and the gentleman from Alabama [Mr. McDUFFIE], and others who have spoken in defense of Cape Cod insist upon saying that there were no great errors committed by the trial court, and that if the case would go back to a jury another large

award would be granted. Gentlemen, that is not correct. That is not stating the case as it stands. Here are some of the charges which were given to the jury and which the jury considered in the fixing of the award. And I might say no doubt some of these very charges are included in the \$11,500,000 award which this House is making at this very moment. Overhead cost, \$1,287,598.70; interest during construction, \$972,027.72. That is not so bad, although in the overhead there are some improper charges. Now, get this, net operating loss, mark you this was included in what was given to the jury, from July 30, 1914 to March 31, 1919, loss on this great profitable canal \$243,961.77 plus the loss on the interest on the \$6,000,000 bonds amounting to \$1,628,416.77, and then to discount \$2,000,000 worth of notes some banker got \$423,925.74 commission or present or discount, or anything which you want to call it, a half a million gravy, which was likewise given to the jury to consider. But that is not all, just hear this, the worst is yet to come—"loss of interest," I am reading, "on paid in cash capital of construction company, nine years at 6 per cent, \$540,000, another half million." Now, here comes another bit of private pork handed out. I am reading from the figures given to the jury, now get this, "payments in stock and bonds for rights, franchise, and services," and "services," I repeat, \$2,050,000. Can you beat it? Here is how your \$11,500,000 is being made up. But that is not all. There is still more. This little item entered into the jury award. "Discounts from par value of stocks and bonds sold to syndicate \$1,006,250."

Another little million dollars given away. You have here in discounts, which is the financial word for what the bankers get, services, for getting franchises and rights, you know what that means, discounts again and interest on lost services over \$4,000,000. And about a million and a half on this overhead, which was according to the case padded, and all of this as against the direct cost of building the canal of \$6,245,256.97. The figures given to the jury in addition to the \$6,245,256 direct cost amounted to over \$8,000,000. Then what did the appellate court do? It literally kicked the case out. It held that the figures given to the jury were improper; it held that the estimates on the reproduction value of the canal were improperly given to the jury and improperly considered; it held that the future profits of the canal which were capitalized were too speculative, uncertain, improperly considered, and improperly given to the jury. It held that a contract between the canal company and a steamship company, which was never signed and never executed, could not be taken into consideration in fixing the rate of tolls which the company claimed it could charge. The trial was nothing but one mess of errors, padded figures, improper charges, speculative and uncertain testimony, hypothetical questions based on facts not existing from the beginning to end. Every lawyer in this House knows that when a case is reversed by an appellate court and it goes back to trial the law of that case is laid down in the decision of the appellate court and must be tried accordingly. In this case the Cape Cod Canal Co. knows that if it goes back to trial it has to be tried in accordance with the decision reported in volume 271 of the Federal Reporter, according to the law laid down by Circuit Court Judges Bingham, Johnson, and Anderson, in the United States Circuit Court of Appeals, First District, on the 16th day of February, 1921. Judge Bingham in a learned opinion, which, by the way, is the leading case on valuation during the war period, and which has saved the United States Government, States, and municipalities throughout the country literally hundreds of millions of dollars, very clearly set forth the law in this case which would exclude in a new trial most of the trick evidence originally submitted and all of the speculative future profits which were capitalized and all of the millions of dollars spent in so-called promotion which did not go into the actual building of the canal.

That is why this bill is before us. The owners of the securities do not want to go back to trial. They wanted a court award when they thought they could get away with an enormous award, but when the United States circuit court stopped them they no longer want a jury trial, but they want Congress to give them \$11,500,000 for their \$6,000,000 canal. Gentlemen, \$5,000,000 is all that this canal is worth, and under the law of this case the award could not be very much higher.

Yes, gentlemen; I believe that the United States Government ought to own and control every canal in the country. I am for that. But when I see some of the enemies of Government ownership proposing the purchase of Cape Cod Canal I naturally pause to inquire. This item should not be included in this bill. The condemnation proceedings instituted should follow its regular course. An award should be made based on the decision of the United States Circuit Court of Appeals. Careful inquiry should be made as to just who is now holding

the securities and what is being done about settling this matter with the United States Government. Enough money has been made by the promoters. Enough money has been made by the syndicate who discounted the notes and who took over the bonds and the stock. Who owns the stock to-day? Who owns the bonds to-day? I believe that these questions should be fully answered before we are called upon to hand out a \$5,000,000 bonus to promoters who have already had a generous bonus.

Gentlemen, I concede the desirability of a canal at this point. It should be a free canal. We can obtain this canal at a reasonable price and spend the money which we otherwise would be paying in excess for its improvement and the benefit of navigation. I want to improve the waterways of this country and am willing to vote for proper appropriation. I refuse to vote for this item and the other pork contained in this bill. I want to help navigation, not promoters. I want the Government to invest in canals and not reimburse business losses. I want to pay for property obtained and not for discounts, commissions, and gifts.

The House may retain this item and the House may pass the bill, but I shall vote against this item and against the bill in the belief that I am doing the right thing. The reason that our waterways of the country are in a deplorable condition is due solely to the fact that money going into the millions is wasted in appropriations such as this bill contains.

Gentlemen, I have stood and fought on the floor of this House for a change in the rules of the House. I first received the brand of irregularity for fighting the rules of the House and seeking to change them by proper parliamentary procedure. I can stand here and say that I shall continue to fight for a change of the rules, but I shall never stoop to ruthlessly overrule a sound, logical ruling of the Chair on these very rules in order to retain the vicious measures improperly put into this bill by the committee. I would rather be an irregular seeking to liberalize the rules of the House in order that a minority may be protected than to destroy every semblance of orderly procedure as the majority did this very night.

If you gentlemen believe that you are the friends of waterways in this country by such action, let me say that I believe you are greatly mistaken. This bill and the conduct to pass this bill might be good politics, might be good log rolling, might be generous distribution of pork, but it is bad legislation and detrimental to the best interests of the waterways of our country.

Mr. DEMPSEY. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in five minutes. The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY rose.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman can not take the gentleman from New York off his feet by a parliamentary inquiry. Does the gentleman yield for a parliamentary inquiry?

Mr. DEMPSEY. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. DEMPSEY. Mr. Chairman and gentlemen, we discussed the Cape Cod Canal at great length under general debate. Everyone knows the facts. The Cape Cod Canal cost, about 15 years ago, \$9,000,000, and that is certified to by Price, Waterhouse & Co., the most reliable accountants in the world, who made a detailed investigation. It has never paid. To-day it stands the owners in about \$18,000,000 to \$20,000,000. It would cost \$25,000,000 at a low estimate to reproduce it to-day. We are getting for \$11,500,000 a piece of property which cost the owners about \$20,000,000, and which it would cost \$25,000,000 to-day to reproduce. It is a piece of property which we need. We need it to protect life and to protect property. We need it in order to make the freight rates low for the western farmer who distributes his grain, for the man who lives on the seacoast, and we need it just as much as you do your Missouri project, and just as you do the Mississippi. We need it also to convey coal up there by the shortest route. It will shorten the route between New England and the territory to the south by 140 miles.

All through the history of that coast there is a long series of disasters, of wreckage of ships, of loss of lives, of sinking of vessels, and destruction of property. All that can be avoided by taking over this canal, and besides that freight rates can be reduced and reduced very considerably by this great shortening of 140 miles in the round trip. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced the yeas appeared to have it.

On a division (demanded by Mr. LaGUARDIA) there were—
ayes 49, noes 116.

So the amendment was rejected.
The Clerk read as follows:

SEC. 3. The Secretary of War is hereby authorized to modify the existing project adopted by the river and harbor act of March 2, 1919, for improvement of the inland waterway from Delaware River to Chesapeake Bay, Del. and Md., so as to include the construction of a suitable roadway from Chesapeake City, Md., to the Bethel Road on the north of said waterway, of a suitable roadway from Back Creek, Chesapeake City, Md., to Bethel on the south of said waterway and of a bridge in continuation of the southern roadway at Chesapeake City, across Back Creek, Md., and the construction and maintenance of a ferry across the waterway as the present site of the Pivot Bridge, the said roadways, bridge, and ferry to be in lieu of the reconstruction of the bridge known as the Pivot Bridge at the intersection of Bethel Road with said waterway: *Provided*, That the proper authorities of the State of Maryland and of Cecil County, Md., shall release the United States from all obligation to reconstruct or maintain the said Pivot Bridge or to operate the bridge or to maintain the roads and bridge whose construction are hereby authorized.

Mr. MAPES. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MAPES. I make the point of order that the section contains items which are outside the jurisdiction of the Committee on Rivers and Harbors to report as an original proposition, and I call the attention of the Chair especially to the language in lines 5 and 6 and 9 and 10. Those are not projects for the improvement of rivers and harbors; they are projects for the building of a concrete road 4 miles long and a bridge, as the language says, and I call the attention of the Chair to the testimony of the Chief of Engineers before the Committee on Rivers and Harbors on this item. On page 39 of the hearings of the committee on the subject of the modification of projects for inland waterway between Chesapeake Bay and Delaware River, along toward the latter part of the page, General Taylor testified as follows:

I finally made an agreement with them—

That is, the county authorities—

that if we built some roads parallel to the canal from the site where that bridge would be to the next adjoining bridge and do some little additional work that they would sign an agreement that would relieve us from the obligation to build that bridge.

It will cost to build the road which we will have to build, 4 miles of concrete road, approximately \$30,000 a mile, \$120,000, and one concrete fixed bridge over a small creek, \$50,000, making a total of \$170,000.

Mr. Chairman, if this section is in order the Committee on Roads might as well give up its jurisdiction and turn it all over to the Committee on Rivers and Harbors.

Mr. DEMPSEY. Mr. Chairman, a very brief statement of the facts are these: We have taken over this waterway from the Delaware River to Chesapeake Bay. We were obliged to build certain bridges there. We found that we could make a change and do away with one bridge and build this road, and we found that would be a large saving to the Government of the United States and at the same time it was what the people of the vicinity wanted, and served much better than building the additional bridge which we were obliged to build. It was a river and harbor project. It is in the modification of that project this has come up, and I am going to say nothing more.

Mr. HILL of Maryland. Mr. Speaker, this is one of the oldest river and harbor projects. Section 3 of the pending bill saves money for the Government on this project, and is a direct part of it.

The gentleman from Michigan [Mr. MAPES] has just made a point of order against the whole of section 3, which is as follows:

SEC. 3. The Secretary of War is hereby authorized to modify the existing project adopted by the river and harbor act of March 2, 1919, for improvement of the inland waterway from Delaware River to Chesapeake Bay, Del. and Md., so as to include the construction of a suitable roadway from Chesapeake City, Md., to the Bethel Road on the north of said waterway, of a suitable roadway from Back Creek, Chesapeake City, Md., to Bethel on the south of said waterway and of a bridge in continuation of the southern roadway at Chesapeake City, across Back Creek, Md., and the construction and maintenance of a ferry across the waterway at the present site of the Pivot Bridge, the said roadways, bridge, and ferry to be in lieu of the reconstruction of the bridge known as the Pivot Bridge at the intersection of Bethel Road with said water-

way: *Provided*, That the proper authorities of the State of Maryland and of Cecil County, Md., shall release the United States from all obligation to reconstruct or maintain the said Pivot Bridge or to operate the bridge or to maintain the roads and bridge whose construction are hereby authorized.

The chairman of the Rivers and Harbors Committee, the gentleman from New York [Mr. DEMPSEY], has just made a brief, but to my way of thinking, a very convincing statement in opposition to this point of order. I shall therefore add only a few words in support of what he has said, and in opposition to the point of order, which, if sustained, would strike out the whole of this section.

The Chesapeake & Delaware Canal, which runs from the Chesapeake Bay to the Delaware River through the northern portion of the Eastern Shore of Maryland, is one of the oldest waterway projects in this country. The United States has enormously developed this waterway, and its final construction and completion is rapidly nearing conclusion. The canal was enormously widened, which necessitated the building of new bridges across it. A number of fine new bridges have already been constructed. Others are in process of construction. The engineers have decided that they could make a change and do away with a bridge known as the Pivot Bridge by building the road in question and constructing a certain other bridge and maintaining a ferry at the present site of the Pivot Bridge. The Army engineers have estimated that this will not only make a large saving to the Government but would very much better serve the residents of that portion of the Eastern Shore than the original project.

This is most definitely a "river and harbor project." The proposal contained in section 3 is merely a modification of the project, and I submit to the Chair that it is entirely in order, and I feel quite confident that the Chair will overrule the point of order made by the gentleman from Michigan [Mr. MAPES] and permit this item to remain in the bill.

The Eastern Shore of Maryland is the largest part of what is known as the Del-Mar-Va Peninsula, consisting of the Delaware counties at the top, the nine Eastern Shore counties of Maryland in the middle, and two Virginia counties at the bottom of the peninsula formed by the Chesapeake Bay, the ocean, and the Delaware River. This Eastern Shore country is one of the most fertile farming countries in the United States. This waterway is of enormous value, not only to Baltimore, Delaware, and Philadelphia but to the whole Eastern Shore country, and I feel very confident the Chair will not strike this item out of the pending bill but will overrule the point of order.

The CHAIRMAN. The Chair is ready to rule. This section deals with the project, the inland waterway, from the Delaware River to Chesapeake Bay. It is a canal, and the precise provision embodied in section 3 is "altering approaches to the existing project of the canal." In the Sixty-fifth Congress, first session, when the river and harbor bill was under consideration, an item similar to this, dealing with the Chesapeake and Delaware Canal, was reached, and a point of order was lodged against it. The Chairman of the Committee of the Whole House on the state of the Union at that time was the present Senator from Mississippi, Senator HARRISON, then a Member of this House, and the Chairman presiding over the Committee of the Whole. The gentleman from Mississippi sustained the point of order for reasons that have led to similar points of order being made against other improvements not strictly rivers and harbors, but the Committee of the Whole House on the state of the Union on that occasion, upon an appeal, overruled the decision of the Chair. And inasmuch as the committee is of higher authority than the chairman then or now, or any chairman who at any time occupies the chair, the present incumbent in this instance is constrained to follow the precedent set by the committee itself and to hold the project in order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. In the prosecution of the various civil works committed to his charge the Secretary of War is hereby authorized, in his discretion, to employ experts and specialists in the several arts and sciences, upon such terms and at such rates of compensation for services and incidental expenses as he may deem for the best interest of the United States, and to pay for the same at the rates agreed upon, whether or not they are in excess of the maximum of the salaries authorized by the classification act of March 4, 1923. Such employments as have been heretofore made in substantial agreement with this authorization are hereby validated.

Funds heretofore or hereafter appropriated for rivers and harbors to be expended under the supervision of the Secretary of War shall be available for expenditure in the purchase of such personal equipment for

employees as in the opinion of the Chief of Engineers are essential for the efficient prosecution of the works.

That all payments heretofore made by disbursing officers of the Corps of Engineers, as reimbursement of subsistence expenses incurred on journeys on official business under proper orders, commencing after 8 o'clock a. m. and completed not later than 6 o'clock p. m. of any day, when said expenses are not in excess of those authorized by existing Army Regulations, shall be allowed and credited by the General Accounting Office.

Mr. MAPES. Mr. Chairman, I make a point of order against the section.

Mr. Chairman, I think that every paragraph in the section is subject to a point of order, but I direct my point of order specifically to the language in the second paragraph, beginning with line 8, on page 11. It is language similar to the language which the Speaker ruled out of order before the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of this bill. It provides that funds heretofore or hereafter appropriated for rivers and harbors shall be expended under direction of the Secretary of War. That, I think, from the decision of the Speaker of the House, is subject to a point of order, and that being in the section makes the whole section subject to the point of order.

Mr. DEMPSEY. Mr. Chairman, it comes right down to this: I shall not take over a minute. The Secretary of War, under the supervision of the Chief of Engineers, is constructing some bridges for which he has no experts in his department to do the work; and he has to build these bridges, and unless this section prevails that work will simply be held up for a year.

Mr. MAPES. May I interrupt the gentleman long enough to say—

The CHAIRMAN. The gentleman surely does not urge the necessity of the Secretary of War as the reason for overruling the point of order.

Mr. DEMPSEY. We would have only to strike out the objectionable language, so that we can agree upon striking out the objectionable language and have the point of order withdrawn.

Mr. MAPES. If the gentleman directs his remarks to me, I will tell him why.

Mr. DEMPSEY. All right.

Mr. MAPES. The gentleman, through the sheer force of votes, has, in the judgment of the Chair and in the judgment of nine-tenths of the membership of the House, been putting into this bill items which are contrary to the rules of the House.

Mr. DEMPSEY. I do not care to go into a discussion with the gentleman. I do not dispute the point of order or say anything about it. I just am trying to get a reasonable gentlemen's agreement. I object to the gentleman proceeding out of order.

Mr. MAPES. The gentleman has not argued the point of order at all.

The CHAIRMAN. The Chair is ready to rule. With respect to section 4 the Chair holds that the first paragraph, which prescribes that in the prosecution of various civil work committed to his charge the Secretary of War is authorized to employ expert persons, is clearly not limited to the improvement of rivers and harbors, and beyond the jurisdiction of the committee to report. The second paragraph is in the form of an appropriation and can not be reported on this bill, and the third paragraph is subject to the same objection as the first paragraph is subject to, that it is legislation, not limited to the improvement of rivers and harbors. The entire section is subject to a point of order, and the point of order is therefore sustained. The Clerk will read.

The Clerk read as follows:

Sec. 5. The Secretary of War is hereby authorized to quitclaim and convey to the town of Westport, Conn., for such consideration and on such terms and conditions as he may deem just and equitable all the right, title, and interest of the United States in and to a strip of land, approximately 108 feet wide and 1,350 feet long, situated in the said town of Great Marsh, so called, which land was acquired in the year 1841 for canal purposes.

The Secretary of Commerce is hereby authorized to permanently transfer to the jurisdiction of the Secretary of War that certain parcel of land located at Long Point, N. C., acquired for lighthouse purposes and known as the Long Point Lighthouse Reservation, and, in exchange therefor, the Secretary of War is authorized to permanently transfer to the jurisdiction of the Secretary of Commerce a parcel of land of approximately 5½ acres, located at Coinjock, N. C., and being a portion of lands acquired for improvement of inland waterway from Norfolk, Va., to Beaufort, N. C. The exchange of properties thus authorized may be effected by letters of transfer and acceptance from the heads of the two departments.

The Secretary of War be, and he is hereby, authorized, empowered, and directed, under such terms and conditions as are deemed advisable by him, to grant to the city of Kaukauna, Wis., an indeterminate easement for a right of way over, across, in, and upon the Government land consisting of the right canal bank and that portion lying between the said canal at the juncture of the canal bridge and the new municipal bridge, and also the lands immediately adjacent to the left end of the canal bridge and including the left canal bank proper, the said grant being for the purpose of creating the right of way over the Government property to and from the new municipal bridge, with permission to lay necessary pavements and roadway, subject to the condition that the United States may require the city to vacate any part of the right of way thus created or make such changes in the layout of the roadway or the pavements as may be necessitated by future improvements of the canal in the interests of navigation.

Mr. MAPES. Mr. Chairman, I desire to make a point of order against the section, it being without the jurisdiction of the Committee on Rivers and Harbors to report as a piece of original legislation.

Mr. DEMPSEY. If the Chair thinks it is subject to a point of order, it may go out. I am not going to argue it at all.

The CHAIRMAN. The Chair thinks it is clearly subject to a point of order. The Clerk will read.

The Clerk read as follows:

Sec. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof may be allotted from appropriations heretofore made, or to be hereafter made, for examinations, surveys, and contingencies for rivers and harbors: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted, no supplemental or additional report or estimate shall be made unless authorized by law: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

Parker Head Harbor and Channel, Kennebec River, Me.

Merrimack River, N. H. and Mass.

Fall River Harbor, Mass.

Inner Oak Bluffs Harbor, Martha's Vineyard, Mass., with a view to the removal of Steamboat Rock.

Danvers River, Mass.

Broad Sound, Mass., with a view to the construction of a breakwater in the vicinity of Winthrop.

Vineyard Haven Harbor, Mass.

Bristol Harbor, R. I., with a view to removing rock obstruction off steamboat wharf.

Sakonnet Harbor, R. I., with a view to constructing an extension to the breakwater.

Bridgeport Harbor, Conn.

Little Neck Bay, N. Y.

Hudson River Channel, N. Y., from the Battery to Twentieth Street, with a view to securing a depth of 40 feet from shore to shore.

East River, N. Y., from English Place, Long Island City, to Pierce Avenue, with a view to securing a clear channel with depth of 20 feet 200 feet channelward of the Brooklyn shore.

Passaic River, N. J., from the Port Newark Terminal to Jackson Street Bridge in the city of Newark.

Delaware River, Pennsylvania, New Jersey, and Delaware, with a view to deepening the channel between Allegheny Avenue, Philadelphia, and the sea to a depth of 40 feet, with suitable widths.

Schuylkill River, Pa., with a view to devising methods whereby the source of pollution caused by the settling of coal dust or culm may be removed.

Manasquan River and Inlet, N. J.

Shrewsbury River, at Highlands, N. J.

Cold Spring Inlet, N. J.

Dennis Creek, N. J.

Waterway connecting Cooper River and Newton Creek, N. J.

Mantua Creek, N. J.

Broadkill River, Del.

Mispillion River, Del.

Indian River, Del.

Annapolis Harbor, Md.

Smith Creek, Md.

Ocean City Harbor and Inlet, Md.

Kent Island Narrows, Md.

Sinepuxent Bay, Md., from the inlet north to Ocean City.

Waterway from Tangier Sound to Chesapeake Bay via Ewell, Md.
 Miles River and Oak Creek, Md.
 Norfolk Harbor, Va., with a view to enlarging the channel in the Eastern Branch of the Elizabeth River, Va.
 James River, Va.
 Little Machipongo River, Northampton County, Va.
 Mathews Creek, Mathews County, Va., and channel connecting said creek with East River.
 Nomini Bay and Creek, Va.
 Tangier Sound, Va., with a view to securing a channel to the foot of County Road on the south end of Tangier Island.
 Mill Creek, Middlesex County, Va., and channel connecting said creek with Rappahannock River.
 Entrance to Willoughby Channel, Va.
 Carters Creek, Lancaster County, Va.
 Starlings Creek, Accomac County, Va.
 Channel leading from Oyster, Va., to the Atlantic Ocean.
 Beach Creek, Va.
 Channel from Maple, N. C., to the inland waterway, between Norfolk, Va., and Beaufort Inlet, N. C.
 Channel from the inland waterway through Currituck Sound to Currituck Court House, N. C.
 Intracoastal waterway from Cape Fear River, N. C., to Georgetown, S. C.
 Channel from Albemarle Sound to Point Harbor, N. C.
 Douglas Bay, Hyde County, N. C.
 Far Creek, N. C., from Pamlico Sound to Engelhard.
 Gardiners Creek and Devils Gut, N. C.
 Runyon Creek, N. C.
 Channel from North River, via Back Sound, to Lighthouse Bay, N. C.
 Smiths Creek, in the vicinity of Wilmington, N. C.
 Channel from the inland waterway between Charleston, S. C., and St. Johns River, Fla., to Bluffton, S. C.
 Thunderbolt Harbor, Ga.
 Darien Harbor and Rifle Cut.
 Jekyll and St. Simons Islands, Ga., with a view to determining the cause of erosions from said islands, the effect of said erosions on the shoaling of dredged channels leading to Brunswick, and with a view to presenting a plan for the prevention of said erosions.
 Ogeechee River, Ga., from its mouth to Jencks Bridge.
 Tybee Island, Ga., with a view to determining the cause of the erosions from said island, the effect of said erosions on the shoaling of dredged channels leading to Savannah, and with a view to presenting a plan for the prevention of said erosions.
 Waterway from Cumberland Sound, Ga., and Fla., to the Mississippi River.
 Hollywood Harbor, Fla.
 St. Marks River, Fla.
 Bayou Castaigne, La.
 Bayou St. John, La.
 Amite River, La., above the mouth of Bayou Manchac to its confluence with the Comite River.
 New Basin Canal, La., at its junction with Lake Pontchartrain.
 Houston Ship Channel, Tex.
 Baffins Bay, Tex.
 Brazos River, Tex., up to Rosenberg.
 Intracoastal waterway in Texas from Corpus Christi to Point Isabel, including Arroyo Colorado to Missouri Pacific Bridge near Harlingen.
 Cache River, Ark.
 Illinois and Mississippi Canal, in the vicinity of Mud Creek, Ill.
 Galena River, Ill., with a view to straightening the channel in the vicinity of Galena.
 Mississippi River, between Missouri River and Minneapolis, with a view to securing a channel depth of 9 feet at low water with suitable widths.
 Headwaters of the Mississippi River, with a view to maintaining a minimum fixed head of water in all of the channels of this system at all times.
 Missouri River, from the upper end of Quindaro Bend to its mouth, with a view to securing a channel depth of 9 feet at low water with suitable widths.
 Ohio River, at and in the vicinity of Shawneetown, Ill.
 Little Kanawha River, W. Va.
 Kanawha River, W. Va., from Lock No. 5 to its mouth.
 Duluth-Superior Harbor, Minn., and Wis., with a view to extending the deep-water channel up the St. Louis River to Fond du Lac, Minn.
 Menominee Harbor and River, Mich., and Wis.
 South Haven Harbor, Mich., with a view to extending the breakwater.
 Black River at Port Huron, Mich.
 Great Lakes: With a view to providing ship channels with sufficient depth and width to accommodate the present and prospective commerce at low-water datum for the Great Lakes and their connecting waters, and their principal harbors and river channels, either by means of compensation or regulatory works or by dredging and rock removal in the separate localities, or by both methods.

Saginaw River, Mich., and entrance thereto.
 Harbor at Mackinaw City, Mich.
 Channel on the northeasterly side of Marquette Island, Mich., between Mackinac Bay and Muscallonge Bay.
 Black River, Mich.
 Toledo Harbor, Ohio, with a view to the construction of a breakwater and to securing a depth of 23 feet in the harbor and channel.
 Niagara River, N. Y.: The east channel, from the end of the present 23-foot channel to the westerly boundary of Sugar Street, Niagara Falls.
 For the further study of a deeper waterway connecting the Great Lakes with the Hudson River, across the State of New York; and the Secretary of War is hereby authorized to expend for this purpose, from appropriations heretofore or to be hereafter made for examinations, surveys, and contingencies, an amount not to exceed \$100,000; and the said Secretary shall report the results of said study to the Congress not later than December 6, 1926.
 Hueneme Harbor, Calif.
 Alameda Harbor, Calif.
 San Francisco Harbor, Calif: The south entrance channel, with a view to removing obstructions.
 Middle River and Empire Cut, in the vicinity of the Henning tract and Milled Island, San Joaquin County, Calif.
 Coquille River, Oreg., from the entrance to Bullards.
 Yaquina River, Oreg., from Toledo to Yaquina Bay.
 Clatskanie River, Oreg., from Clatskanie to the channel in Columbia River.
 Willamette River, Oreg., between Portland and Salem.
 Tillamook Bay and Entrance, Oreg.
 Skamokawa Slough, Wash.
 Ocean frontage of Afognak, Alaska, with a view to providing a harbor.
 Nome Harbor, Alaska.
 Sitka Harbor, Alaska.
 Cordova Harbor, Alaska.
 Anchorage Harbor, Alaska.
 Dry Pass, Alaska.
 Portage Bay, Alaska, and adjacent bays, with a view to providing a practicable harbor accessible to the Cold Bay oil fields.
 Gastineau Channel, Alaska.
 Port Frederick, Alaska.
 William Henry Bay, Alaska.

Mr. CANFIELD. Mr. Chairman, I move to strike out the last word and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word; asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CANFIELD. Mr. Chairman and gentlemen of the committee, the river and harbor question is a very important question; at least it is a very important question to those of us who are located in the Central West and are interested in the cost of transportation for our agricultural and manufactured products, and I believe I voice the sentiment of the farmers and business men of, not only the district I have the honor to represent, but all of the people in the great Central West, when I say that I hope that the Committee on Rivers and Harbors pass legislation that will authorize the completion of projects in the great arteries of river transportation.

I know it is true that there is great objection to this program, but, gentlemen, if you start to build a railroad, and only partially complete it, can the road be made a success? No; neither can you make arteries of river transportation a success until projects that have been started have been completed.

The Ohio River and the Mississippi River have been under improvement for several years, and if I am correctly informed the only part of this proposed system that has been completed is 65 miles from Pittsburgh, up the Monongahela River. Where this part of the system is completed, what do we find? They carried more freight last year than either the Panama Canal or the Suez Canal, and have reduced the cost of transporting coal to Pittsburgh from 75 cents a ton down to 15 cents a ton, or, in other words, the cost of transporting has been reduced 80 per cent by the completion of this work in this section.

The waterways of our country are producing far greater results, when the cost of improvement is taken into consideration, with the cost of any other kind of transportation. The cost of the railroads of the country has been approximately \$20,000,000,000 and the annual cost of upkeep is approximately \$1,000,000,000. The cost of the improvements on our waterways has been a little over \$1,000,000,000 in the last 100 years, and the estimated annual upkeep is about fifteen to twenty millions.

Last year the waterways carried one-sixth of the freight and the railroads carried five-sixths of it. When the cost of

the improvement in the waterways with the cost of railroads and then when we take into consideration the cost of the upkeep of the waterways and the cost of the upkeep of the railroads, one can readily see why the cost of river transportation is only one-fifth that of railroad transportation, and when the projects on the Ohio and Mississippi Rivers that have been authorized are completed the cost of transportation can be reduced approximately 80 per cent, or to one-fifth of what it is at the present time, then by at least partly solving the transportation questions in that part of the country, which question as you all know has been up for discussion a number of times during this session of Congress.

The work of the Mississippi and Ohio Rivers system is more than half completed. More than half of the money needed to complete this authorized project has been spent, but the work that has been done is disconnected so that it means very little to transportation and will continue to mean very little to transportation only in a local way until the entire project is complete.

With these facts confronting us and with the demand on every hand for cheaper transportation there should be no objection to the immediate completion of these projects which would mean so much to the great Central West, especially those along these two great rivers.

According to a statement made by Secretary Hoover, our rail traffic has grown from 114,000,000 ton-miles to 338,000,000 ton-miles in the last 25 years, an increase of almost 300 per cent, and when he was asked about the railroads being able to take care of the rapidly increasing traffic, he said:

Our present mileage equipment of railroads obviously would be wholly inadequate to meet the task. We are faced with peak loads even now with difficulties at the great gateways and at the terminals, so we would be faced naturally with an enormous expansion of railroad transportation to take care of the future.

He also said:

It would require an enormous expansion of railway terminals, which is becoming a most acute problem, because they could only be expanded at an enormously increased cost, due to the great increase in land values in the cities. The waterways, because they possess already continuous terminal along the water fronts of many cities, have the terminal question largely solved.

He also urged the completion of the Ohio and Mississippi River project and stated that the cost of transportation would be reduced very materially by the completion of this project.

Gentlemen, the progress of our transportation will always govern the growth of our country to a great extent. The development of our transportation has always been very important to the development of all lines of progress, and it will always continue to be so, and for this reason river transportation should be given consideration at this time, and the provision of the transportation act of 1920, section 500, be carried out.

This section provides:

It is hereby described to be the policy of Congress to promote, encourage, and develop water-transportation service and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

There are many reasons why the river projects should be given prompt consideration. Twenty-five years ago our railroads were expanded so they could take care of the traffic at that time, but for 25 years there has been practically no expansion of railroads. The object of the officials of the different systems has been to strengthen and to systemize rather than to expand, but while they have stopped expanding the population and commerce of the country has continued to increase, and with the population and commerce continuing to increase, and with our railroads making no effort to be able to take care of the increased demands of commerce and population, there is every reason why our rivers should be improved and water traffic resumed, so that the progress of commerce and business in general can be continued.

For 32 years those interested in the improvement of the Ohio River have been appealing to Congress for a dependable channel in the Ohio River, and while the work has been started it is far from completion.

In 1910 Congress incorporated in its river and harbor bill that thereafter appropriations should be made in such amounts that would insure the completion of the Ohio River improvement by 1922. Those who had worked so hard to accomplish this result were very much pleased and thought by 1922 they would have a dependable channel from Pittsburgh to Cairo, and that the Ohio River could be depended upon as a real artery for river transportation.

For a time this progress was carried out. In the large appropriation bills that were passed a fair appropriation was given to the Ohio River, and then there came an attack on the river and harbor appropriations from a seeming organized anti-river organization, and the old familiar cry of "pork barrel" was to be seen in almost every paper in the land, without any discrimination whatever as to the merits of the project and the result was that appropriations for river and harbor improvements were reduced and this great project that means so much to the great Ohio and Mississippi Valley was retarded and the work that was to have all been completed in 1922 is still made up of broken links and means nothing to transportation only in a local way.

Under the War Department appropriation act approved April 15, 1926, there was appropriated to the Secretary of War \$50,000,000 for the completion of work that has been authorized.

The Chief Engineer has already allotted \$4,225,000 for this work on the Ohio River, and let us hope that nothing will prevent the completion of this great work by 1929, that should have been completed in 1922.

The canalization of the Ohio River by 1929 will have thrown open to commerce a 9-foot stage of navigable water for 1,000 miles, or from Pittsburgh to Cairo, Ill. Last October three locks and dams on the 600-mile stretch from Pittsburgh to Louisville, Ky., were dedicated, leaving six to be completed on the remaining 400 miles toward Cairo.

When this work is completed a large interchange of commerce between points in Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, and southern points can be expected. Freight rates should be reduced, and the natural advantages of that part of the country can be realized.

Under the present river and harbor bill 10 ice piers or shelter harbors are to be built at convenient intervals, at an estimated cost of \$522,000, which will be of great advantage to those interested in Ohio River commerce.

Gentlemen, the time has come in the development of our country when it is necessary that we have more adequate transportation facilities for the inland sections which, at the present time, have great difficulty in getting their products to the consuming centers, as well as getting the supplies they need shipped in. Proper and adequate river transportation will help serve this purpose both by making a more profitable farm commerce and also a more profitable interchange of commodities, domestically. By doing this the interests of our agricultural population will be greatly helped not only by securing better price for farm products but also by reducing transportation costs.

With the population of the central part of our country becoming as great as it is at the present time, we must look forward, keeping in mind that it is necessary to diversify our industries as well as to fortify agriculture. Our Nation will be in a much healthier condition when our transportation makes it possible for our industries to have equal advantages in all parts of the country and not confined to a comparatively small area that has special transportation advantages.

This will not only make a healthier condition for our industries but will be helpful to agriculture, as they will not be handicapped by high transportation charges in getting their products to the consuming centers as they are at the present time.

The completion of our river transportation program will, to a large extent, solve the question of scattering industrial enterprises over our Nation, thereby enabling a large percentage of our farm products to be consumed as food or utilized in manufacturing processes near their points of production. The completion of our river transportation will also make it possible to transport the excess quantities of farm and factory products, no matter where they are produced, at a much lower transportation cost.

I am very much interested in the part of H. R. 11616 which deals with the question of connecting the Great Lakes at Chicago, Ill., with the Gulf of Mexico by way of a water route through Illinois and the Mississippi River. The completion of this work, in my opinion, will be very beneficial to both the industrial and agricultural interests of the great Middle West; and, in my opinion, the gentlemen who are fighting this project are not fighting the diversion of water from the Great Lakes, but they are fighting the diversion of trade, for they can not help but realize if this project is completed and we have a navigable stream from the Great Lakes to New Orleans a great deal of the business from the great Middle West will seek transportation at the lowest cost, which will be by the Mississippi River Valley route.

This will save the farmers of that section approximately 7½ cents on every bushel of grain he ships, and it will likewise reduce freight rates on manufactured products on the same

ratio, and there is no question in my mind but what the completion of this project will be one of the most beneficial pieces of legislation that this Congress can enact as far as the farmers and manufacturers of the Middle West are concerned in securing cheap transportation for their products.

Gentlemen, while I realize there is some opposition to this bill—and there are parts of it that I do not like—I personally feel that we should pass river and harbor legislation and help take care of the increasing demands of commerce and help to reduce the freight rates, especially on agricultural products, which will not only help the producer but the consumer as well.

Mr. DEMPSEY. Mr. Chairman, I have an amendment that I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment: On page 13, strike out the language in lines 13, 14, and 15, and insert:

"Sec. 4. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, the cost thereof to be paid from appropriations made for that purpose."

Mr. MAPES. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAPES. Mr. Chairman, would it be in order to ask the Clerk to reread the amendment?

The CHAIRMAN. Without objection the amendment will again be reported.

The Clerk again reported the amendment.

Mr. MAPES. Mr. Chairman, I make a point of order against the amendment. As I understand the situation, it is this: An item is carried in the general appropriation bill reported for the War Department containing an appropriation to cover the expense of these surveys or to cover the expense of surveys generally. My point of order is this: If this amendment should be adopted with this language in it, it would cause to be appropriated in effect so much of the general fund appropriated in the Army bill as is necessary to cover the cost of making these surveys. As was pointed out when this bill and this point of order pertaining to these appropriations was first considered, the mere transfer of an appropriation from one fund to another is equivalent to an appropriation, because if such transfer was not made and it was not used for the purpose for which it was first appropriated the money would go back into the general fund of the Treasury.

Mr. CRAMTON. If my colleague will yield, I am not at all sure that the effect of the language which the gentleman from New York now offers would be to make any appropriation made for surveys generally available for the surveys in this section. I am inclined to think the language now offered would be construed to mean that only an appropriation made for the carrying on of the surveys here named would be available for that purpose; and if that is the construction of the language, of course, it is not subject to a point of order. The amendment provides that the cost shall be paid from appropriations made for that purpose; that is to say, the surveys enumerated in this section—and it would be necessary, if this bill ever became law—to have an appropriation for the purpose of these surveys.

Mr. DEMPSEY. What is the gentleman's suggestion?

Mr. CRAMTON. My suggestion is that if that is the construction the gentleman places on the language it is in order.

Mr. DEMPSEY. What is the gentleman's constructive suggestion?

The CHAIRMAN. The Chair is ready to rule. The Chair overrules the point of order. The amendment does not make available any money not appropriated and, therefore, it is not in itself an appropriation. It is not subject to a point of order and the Chair overrules the point of order. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Page 14, between lines 10 and 11, insert the following paragraph:

"Taunton River, Mass."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Page 15, between lines 4 and 5, insert the following paragraph:

"Newtown Creek, N. Y."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: At the end of page 16 insert the following paragraph:

"Northwest River, Va.: Channel from the mouth of Link Horn River or Bay, through the Narrows, Broad Bay, Long Creek, Lynnhaven River, and Lynnhaven Inlet, Va."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: At the end of page 17 insert the following:

"Back River, Ga.: From old plant site of Savannah River Lumber Co. to St. Simons Sound, with a view to securing a channel 20 feet deep at mean low tide, with suitable widths."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: At the end of page 18, add the following paragraph:

"Fort Aransas, Tex."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: On page 18, of the bill, between lines 16 and 17, insert the following paragraph:

"Soldier Creek, Ala."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: On page 19, between lines 4 and 5, insert the following paragraph:

"Arkansas River and its tributaries, Arkansas and Oklahoma."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: On page 19, between lines 19 and 20, insert the following paragraph:

"Youghogheny River, Pa., from Fifteenth Street, McKeesport, to West Newton."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: At the end of page 20 insert the following paragraph:

"For the further study of a deeper waterway connecting the Great Lakes with the Hudson River across the State of New York, and the said secretary shall report the results of said study to the Congress not later than December 6, 1926."

Mr. MAPES. Mr. Chairman, before the vote is taken upon this amendment will the chairman of the committee, the gentleman from New York, tell us how many surveys for a canal across New York have been made by the Board of Engineers and what the recommendation has been.

Mr. DEMPSEY. The best survey that was ever made was made in 1900, but it was not made under conditions similar to those which exist to-day.

Mr. MAPES. My question was how many had been made.

Mr. DEMPSEY. It was an exceedingly favorable survey and was made by the greatest engineers the country has ever had.

Mr. MAPES. Mr. Chairman, the gentleman from New York cleverly evades answering the question which I propounded. My understanding is there have been 12 surveys of this proposed route.

Mr. DEMPSEY. Mr. Chairman, I object to this. This is not a parliamentary inquiry at all. The gentleman has not asked for recognition. If the gentleman wants to debate this matter that is another thing.

The CHAIRMAN. The amendment is pending, and the gentleman sought recognition and was recognized.

Mr. MAPES. The gentleman from New York has been so much in the habit of having his own way here all the evening, he does not even want us to discuss important propositions at all.

As I was about to say, my understanding is there have been 12 of these surveys made from time to time by the engineers, and that the engineers in practically all cases have recom-

mended against the project. I do know, Mr. Chairman, that a committee of expert engineers of the Rivers and Harbors Board made a survey of this project during the last year and reported adversely on it, and I will challenge the chairman of the committee, the gentleman from New York [Mr. DEMPSEY], to point out a single instance in the history of the legislation for river and harbor improvement where the Committee on Rivers and Harbors has recommended a survey within three months from the time the Board of Engineers has recommended adversely on the proposition. I do not care to say anything further.

Mr. DEMPSEY. Mr. Chairman, the gentleman is simply in error in his facts. Here is the situation: There was a report required to be made before the engineers had completed their work, and they simply said in their report that they had not had the time, that they needed additional time, and that this report should be made complete. They said also that they were authorized by the Congress only to investigate a 25-foot channel and permanent works and that they should have the authority to investigate a 30-foot channel. They said it should be sent back to them.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. O'CONNOR of New York. Do I understand that the department is already authorized to investigate as to a 25-foot channel?

Mr. DEMPSEY. Yes.

Mr. O'CONNOR of New York. And that this amendment is necessary to enable them to investigate as to a 30-foot channel?

Mr. DEMPSEY. That is all there is to it.

Mr. O'CONNOR of New York. And that is all this amendment does.

Mr. DEMPSEY. Yes.

Mr. SOSNOWSKI. Mr. Chairman—

Mr. DEMPSEY. Mr. Chairman, I move to close all debate upon this section. I did not know there was to be further debate.

The CHAIRMAN. The gentleman from Michigan has been recognized by the Chair.

Mr. FREAR. I would like to have one minute. I have not taken up any time.

Mr. DEMPSEY. All right, then; I will make it six minutes.

Mr. O'CONNOR of New York. Mr. Chairman, I demand the regular order.

Mr. SCHAFER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER. I want to inquire whether or not the gentleman from New York [Mr. DEMPSEY] is within his rights under the rules in using these Mussolini gag tactics in throttling debate.

Mr. BRITTEN. Mr. Chairman, the gentleman is entirely out of order.

Mr. McDUFFIE. The gentleman is out of order. We are not in Russia or in Italy.

Mr. O'CONNOR of New York. Regular order, Mr. Chairman.

The CHAIRMAN. The Chair is trying to preserve order, regular order and otherwise. The Chair wishes to ask the gentleman from New York whether he wishes to modify his motion.

Mr. DEMPSEY. Yes; Mr. Chairman, I move that the debate close in six minutes on the section and all amendments thereto.

The motion was agreed to.

Mr. SOSNOWSKI. Mr. Chairman, this proposition of Mr. DEMPSEY is merely a substitute for the St. Lawrence Canal.

Mr. DEMPSEY. Mr. Chairman, I object to the gentleman's naming Members on the floor in that way.

The CHAIRMAN. The gentleman from Michigan will proceed in order.

Mr. SOSNOWSKI. Here are some of the things F. S. Greene, superintendent of public works of New York, says in a special report to Gov. A. E. Smith, in 1926:

Gross costs, year 1925	\$10,933,563.75
Receipts	359,936.91

Net cost to taxpayers	10,573,626.84
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The engineers of the Rivers and Harbors Board in their 1926 report say Mr. DEMPSEY's substitute will cost for annual upkeep \$30,000,000.

On page 4 of the report Superintendent Greene says:

It has been testified that the canal saves the people of the State \$50,000,000 annually in "depressed" rail rates.

Again Greene says:

Is not a club costing \$10,500,000 a year an expensive weapon to hold over the heads of the railroads?

I want to ask Mr. DEMPSEY if the Interstate Commerce Commission could not perform this service cheaper?

Greene says the barge canal is maintained and operated free of tolls to all vessels, American and foreign.

In a recent letter to Hon. George Clinton, of Buffalo, Mr. DEMPSEY said:

The St. Lawrence has been and is being advocated solely as affording cheaper transportation for wheat from the Northwest.

Mr. DEMPSEY knows this statement does not square with the truth. It is advocated for shipping relief for the product of the toll of 40,000,000 people.

Mr. DEMPSEY. I object to that and ask that the gentleman be admonished.

The CHAIRMAN (Mr. HAWLEY). The gentleman in naming Members should give the name of the State, then the name of the Member.

Mr. McDUFFIE. Mr. Chairman, the language of the gentleman from Michigan is unparliamentary. We do not indulge in that sort of thing in order to carry our propositions on the floor of the House. I submit to the Chair that that language is unparliamentary.

Mr. SOSNOWSKI. Very well, I will refer to what has been said by the gentleman from New York [Mr. DEMPSEY].

Mr. SCHAFER. Mr. Chairman, I think that the gentleman from New York [Mr. DEMPSEY] is out of order. The gentleman from New York has such a high regard for parliamentary situations that I do not think he should be permitted to stand on his feet while my distinguished colleague is addressing the House. [Laughter.]

Mr. SOSNOWSKI. It is advocated for all the products of the farm—meats, grains, butter, everything. It is advocated for the products of the factories—all their products.

Forty million people in the Great Lakes territory produce more than wheat. They produce some automobiles, some steel, some farm machinery, that have a world market. No, Mr. DEMPSEY, you shaded the truth in that statement.

Again, in the same letter, Mr. DEMPSEY says:

Second. When we lower the cost of transporting wheat through the St. Lawrence River the lower cost will be available to Canada, our strongest competitor in the wheat markets of the world; and Canada exported through Montreal 140,000,000 bushels, as against our 25,000,000 bushels, in 1925; and we will be placing all our farmers who export through the Gulf and the Pacific coast ports at just the disadvantage that we save Canada, which would be most unfair and unjust to that part of our own people.

This is an appeal to prejudice and for votes.

Of course, Mr. DEMPSEY knows we export more than wheat. Of course, he knows that the 40,000,000 people that are now shut out from the sea have been taxed to build the Gulf and Pacific ports. Of course, he knows that these land-locked people have been taxed to build the Panama Canal. But what difference does that make? He is out to defeat a great proven public improvement that is the just right of 40,000,000 people and he will raise a smoke screen anyway and anyhow.

Superintendent Greene, in charge of the New York Barge Canal, says the canal is toll free, to American and foreign ships. Is Mr. DEMPSEY going to shut out the wheat from Canada, or will he charge the Canadian wheat a toll? How is he going to dispose of the treaty we have on this subject?

If the building of the St. Lawrence will be unfair to Pacific and Gulf wheat shippers, and therefore should not be built, then if the New York Canal will work the same argument will hold against it; and in logic Mr. DEMPSEY finds himself in the attitude of a dog chasing his own tail.

Mr. DEMPSEY offers the New York Canal as a substitute and then ask the above question. Either the enlarged canal will not serve the purpose as an outlet to the sea for the land-locked territory or the question is silly, foolish, and a subterfuge.

Again, Mr. Greene says:

The immovable bridges over our canal permit a clearance of only 15 feet.

The bridge grade is fixed. There are 82 bridges, 14 of them railroad bridges.

The engineers say there should be 153 feet of clearance in a 25-foot channel for the clear passage of all boats.

So Mr. DEMPSEY will be down in a ditch 153 feet deep for 159 miles. A sweet prospect for shipping! A mighty poor substitute for the open St. Lawrence.

IMPORT CARGO

Mr. DEMPSEY says again in the Clinton letter:

The chance of securing return cargoes will be nothing like as good on the St. Lawrence, which enters our own country west of all our

most densely populated area, including New York, New England, New Jersey, and Pennsylvania, as it would be for the boats to arrive at New York, which would supply the wants of all this densely populated territory.

Here is the New York spirit of selfishness again. What about a boat going to the port of Boston, the port of Philadelphia, or of Baltimore? No; none of that—they must all come to New York or there is a fight.

There are 40,000,000 people in the Great Lakes territory, but, according to Mr. DEMPSEY's reasoning, they do not count or they do not do any importing. Detroit does not count. Cleveland, Toledo, Erie do not count. Chicago does not count. These people do not export or import any goods. This is all done by the New Yorker, according to Mr. DEMPSEY's reasoning.

SOME DEMPSEY LOGIC

In a speech before the New York Chamber of Commerce in January, Mr. DEMPSEY said, to prove the St. Lawrence was not feasible:

The tonnage on the Great Lakes last year was 121,000,000, and of this tremendous total less than 5,500,000 tons, or one twenty-second, passed through the St. Lawrence. Certainly this is no great beginning toward carrying through the St. Lawrence to the ocean the enormous traffic yearly carried on the Great Lakes system.

That is but a sample of the bunk Mr. DEMPSEY feeds his New York folks. They seem to be able to swallow it.

Presumably, if Mr. Dempsey had his "tapeworm" ditch open, he would have these great ships loaded with ore make an excursion to New York port and pay a toll and then come back to the furnaces.

How silly to say that because all the local freight hauled on the Great Lakes did not go down the St. Lawrence, that therefore, the St. Lawrence is a failure.

Why did not some of this freight go down your barge canal, Mr. Dempsey? Six million five hundred thousand tons went down the St. Lawrence last year and only 2,300,000 through all your barge canals.

The two routes are now about equal, in depth and carrying capacity. Why does not traffic use your barge canal? Why does traffic use the St. Lawrence to capacity? It is up to you to answer.

It is your confined channel, your bridges, your locks, your tortuous, winding, uphill, downhill ditch; it is your congested, expensive, archaic port of New York.

These are the reasons why your deeper New York Canal will not work, and the deeper St. Lawrence will.

THE PURPOSE OF THE CHANNEL

It is well that we have before us very definitely the purpose of connecting the Great Lakes with the Atlantic Ocean.

The prime purposes of the St. Lawrence development are:

1. To make the Great Lake ports, in truth and in fact, ocean ports.
2. To give the Great Lake ports a sea base for freight charges.
3. To give these Great Lake ports a real outlet to the sea and the markets of the world.
4. To put 40,000,000 landlocked people on freight-cost equality with the balance of the people of the United States.
5. To actually extend an arm of the ocean inland 2,000 miles and give the northern part of the United States ocean shipping.
6. To give the north Mississippi Valley farmer and manufacturer a chance to load his products on an ocean boat with ocean freight rates at their own railroad terminals.
7. To avoid the expensive, unnecessary rail haul across the State of New York.
8. To avoid the congestion and terrific charges of the ports of New York.
9. To give 40,000,000 people the shortest and most practical route to their export market.
10. To preserve and exercise property and treaty navigation rights in the St. Lawrence River, the natural and only feasible deep shipping route from the Great Lakes to the Atlantic.

THE ST. LAWRENCE TO SERVE NORTHWEST, NOT NEW YORK

The purpose of a ship canal from the Great Lakes to the ocean is to give the north Mississippi Valley or the Great Lakes territory the advantage of the ocean base for freight charges.

Ocean ports are the base for all freight charges.

The Great Lakes territory is the one and only part of the whole country that does not have ocean shipping, and therefore the one part of the country that does not have the ocean base for freight rates.

The Great Lakes territory is the part of the United States that produces the major portion of the Nation's food products. The food products of the Nation are not now or probably never will be under any system so that production can be controlled.

Therefore the surplus—and for a long time there will be a surplus—must be sold in some foreign market. The foreign price then largely controls the price of these products in this country.

Liverpool largely fixes the price of foodstuffs for the world, it being the center of largest consumption farthest from production.

What it costs the farmer to ship his products to Liverpool is a vital factor in the Nation's prosperity. The farmer pays the freight to Liverpool—or, to state it in another way, the farmer receives the price in Liverpool minus what it costs to get his product from the farm to Liverpool.

So the rate from a Lake port to Liverpool is vital to the whole Nation.

Agriculture is depressed in the interior. The Panama Canal has been a contributing cause.

TWENTY-ONE STATES BENEFITED

The prime purposes of any deep shipping connection of the Great Lakes with the ocean is to give to Ohio, West Virginia, Kentucky, Tennessee, Indiana, Illinois, Missouri, Iowa, Michigan, Wisconsin, Minnesota, North and South Dakota, Kansas, Colorado, Montana, Wyoming, Idaho, Utah, and a part of Washington, Oregon, Oklahoma, and Arkansas the same rights in shipping—that is, in freight rates—that the rest of the country now enjoys. The purpose of an outlet to the sea from the Great Lakes is to put this territory on an equality in freight charges with the rest of the country, which has all been served by action of the Federal Government.

New York is selfish. She does not care to understand that this development is not for her but for the land-locked territory.

NEW YORK HAS PORT AND RATE

New York has the ocean, has a port, has the sea as a base for freight charges. We of the Northwest have not these things; we want them; we need them, for our prosperity is at stake.

This is our right; the Nation owes it to us, and we demand it.

We resent the attitude of Mr. DEMPSEY and New York in offering a "dead horse" as a substitute. They know their canal will not serve, but they kick up a dust screen with it and continue to collect excessive tolls.

We want and demand a way out to sea and the world markets without paying an excessive charge for the privilege to New York City.

We want to load on a boat at lake ports and go to every market without being compelled to unload at Buffalo and pay a gate charge, then to New York port and pay more unreasonable charges.

Think of the nerve of these New Yorkers!

This making of a shipway from the Great Lakes to the sea is not to serve New York. It is to serve the Great Lakes territory. New York will benefit by the development of the St. Lawrence, but it is not primarily for New York. It is to give the Northwest a chance to grow. It is to give us our right to grow. It is for our farmers and manufacturers.

THE ST. LAWRENCE ROUTE

This St. Lawrence route is not a large undertaking when you consider two nations are involved, the United States and Canada.

Just think of it; there are only 33 miles of canal at the international section, and that is all there is to it.

There are only seven locks in the St. Lawrence in three flights, and 225 feet of lift. Always there is plenty of water.

The Government engineers of the two countries—able and efficient engineers—jointly and unanimously say it will only cost \$270,000,000 for a 30-foot channel, and there are lots of trimmings that go along with this cost—power, equipment, and machinery.

The St. Lawrence development is an investment, not an expenditure. The saving in freight charges every five years will exceed the total cost of construction to the United States.

The route is feasible. The proof of this statement is the fact that there is now a 14-foot channel used to its full capacity—6,000,000 tons were floated here last year.

THE FOG AND ICE BOGY

My friend DEMPSEY raises his hands in holy horror and shouts fog and ice, and gives this as a reason why the St. Lawrence is impractical.

The very simple answer to his cry is the fact that Montreal, located 1,000 miles inland on the bank of the St. Lawrence River, is next to New York the largest ocean port in tonnage and passenger-line service on the North American Continent. These facts alone dispel his fog and melt his ice.

The St. Lawrence is now used for shipping and his barge canal is not successfully used. The fact that a thing works is the proof that it will work.

THE OSWEGO-HUDSON ROUTE

From Oswego to the Hudson River the low-level route is 179 miles. One hundred and fifty-nine miles of this is confined ditch or channel.

In this space there are 29 locks and 82 bridges, 14 of them railroad bridges; 29 and 82 make 111 obstructions in the 159 miles.

Think of taking a boat drawing 25 feet of water and stopping it 111 times while going 159 miles. Ponder this a while, think about it, and then answer the question, "Would you put your own money in such a scheme?"

Such a route would not be practical if you were using an ox team. What about it with a great vessel?

Yet this is the substitute that New York offers and they keep a straight face while they make the offer.

But these are not all of the difficulties in the way.

Leaving Oswego for the Hudson you go up the mountain and then down again. Out of Oswego you start up grade and go up 134 feet and then down 267 feet, a total lift of 401 feet. If they go the high level way the lift will be 512 feet.

Then there is the cost—and bear in mind that the United States must pay all this bill and no power to help in defraying costs as in the St. Lawrence.

The engineers in their 1926 report say this stretch will cost \$506,000,000, and this does not take into account interest during construction which is estimated to be 10 years. Quite a neat sum of money to spend on an experiment. I say experiment for there is not another like it in the world and there never has been.

The only likeness is the New York Barge Canal and it does not work.

The same engineers in the same report say thirty million a year will be needed to keep the thing open.

But this is not all of the story. Mr. DEMPSEY, to even have an all-New York route, has to get from Lake Ontario to Lake Erie on the American side. The last engineer's report did not go into this cost. They just drew the curtain on this horrible picture.

But Mr. DEMPSEY says he wants the whole thing or nothing. He is promoting this New York thing partly as a defense measure. He says we must parallel the Welland Canal on the American side, so that in case of war we will not be blocked. His canal will be within a few miles of the Canadian line, but still he wants to dig it—spend the money and call it "defense." Of course, airplanes and long-range guns are a fact, but what of that. If any canal is going to be destroyed, let it be on American soil and in or near Mr. DEMPSEY's district.

A canal connecting Lakes Erie and Ontario has been surveyed several times. Such a canal would cost from one hundred and twenty-five to one hundred and fifty million, so the engineers say.

No; a deep shipping canal across New York will not work. It can be dug, but it is not feasible or practicable. It is too long, too uphill, too confined, and has too many bridges and locks.

ENGINEERING FACTS COMPARING THE ST. LAWRENCE ROUTE AND THE OSWEGO-HUDSON ROUTE

THE ST. LAWRENCE ROUTE

Twenty-five feet depth, 33 miles restricted channel. Cost, \$252,728,200.

This includes power house, installation of wheels, generating machinery, and everything necessary to produce 1,464,000 continuous, 24-hour horsepower at low-water international section.

One hundred million dollars of the above amount is chargeable to power. That leaves the navigation charge on a 25-foot channel of \$152,728,200.

This amount to be borne by the two Governments.

The above cost includes all the expense necessary to complete the channel from Lake Ontario to Montreal.

In the St. Lawrence channel there are seven locks in three flights and a drop of 225 feet.

THE OSWEGO-HUDSON ROUTE

Twenty-five feet depth, 179 miles restricted channel. Cost, \$506,000,000.

No power-development possibilities.

Total cost to be paid by the United States Government.

Eighty-two bridges, 14 railroad bridges—all drawbridges.

Thirty-one single locks.

A lift up and down 512.6 feet.

Annual upkeep, \$30,000,000.

THE BOY ABOUT SPENDING MONEY IN CANADA

From Lake Ontario to Montreal is 183 miles. One hundred and thirteen miles of this distance the St. Lawrence River is international boundary line.

The engineers say that to make a 25-foot channel from Lake Ontario to Montreal and put in the dam at the international boundary and equipment ready to turn out 1,464,000 electric horsepower will cost \$252,000,000. Of this total sum \$159,197,200 will be spent where the St. Lawrence is boundary line between the two countries.

So only \$90,000,000 will in fact be necessary to be spent in wholly Canadian territory.

We spent a whole lot more than that in building the Panama Canal.

If Mr. DEMPSEY does not want to spend United States dollars in wholly Canadian territory, then let Canada build that part wholly in her country and we build at the international section. The main thing is this: We have a joint boundary line interest in the St. Lawrence River for 113 miles that needs to be improved for navigation. It happens there is a short stretch of 33 miles wholly in Canada needing improvement which prevents 40,000,000 of our people getting out to sea.

Ninety million dollars will make this improvement and liberate these people, but yet they say we can not go the natural way but must meander down a restricted 179-mile ditch through 31 locks and through 82 bridges and into the congested port of New York.

It is an awful price to pay for the euphonious phrase, "All American."

WILL CANADA BUILD?

The logical answer to the question, Will Canada build? is the fact that she is now building the Welland Canal. This Welland Canal connects Lakes Erie and Ontario. It is now two-thirds completed, is 27 feet deep, and will be finished in a couple of years.

Will Canada build? She has already made a 30-foot channel from the ocean to Montreal.

There is now only 33 miles of the system uncompleted, and this at the international section. Canada and the United States have in the past connected Lakes Huron and Erie. There is just the 33 miles unfinished at the international section.

The two Governments have treaties covering all phases of navigation. These treaties are fair and just to both people.

Answer this in your own mind: Why would Canada spend \$90,000,000 digging the Welland Canal and many more millions deepening the St. Lawrence to Montreal if she would not join us in completing the job of 33 miles at the international boundary?

Any informed person who asks the question knows in his own mind that it has been the settled policy of Canada to make the St. Lawrence available for deep shipping.

Any informed person knows this has been the policy of the United States for the past 100 years. This fact is written into every treaty between the two Governments.

There is just one thing in the way of this development of the St. Lawrence now. It is the selfish interests of New York. These interests have as their leader Chairman DEMPSEY of the Rivers and Harbors Committee.

CAN QUEBEC STOP CANADA FROM BUILDING THE CANAL?

Here is what the Privy Council, the high court of England, said in appeal No. 186 in 1925, in re Quebec's ownership of bed of the St. Lawrence River:

They state, further, that the banks and bed of the river belong to the Province of Quebec, but that the Dominion Government has the right, when it is constituting or extending a harbor, to make use of the banks and bed without the consent of the Province, and to execute the works which it thinks necessary. * * * Under section 91 (Canadian Constitution) exclusive legislative authority is given to the Dominion Parliament in the matters of navigation and shipping. Under section 92 (10) lines of steam, or other ships, railways, canals, telegraphs, and other works and undertakings connecting a Province with any other Province, or extending beyond the limits of a Province, lines of steamships between a Province and any British or foreign country, and such works as although wholly within a Province, are before or after their execution, declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more Provinces and placed by section 91 (29) exclusively under that of the Dominion Parliament. * * * Now, there is no doubt that the power to control navigation and shipping conferred on the Dominion by section 91 is to be widely construed.

In the face of the above, here is Mr. DEMPSEY's statement and conclusions, page 1931, CONGRESSIONAL RECORD, January 12, 1926:

Briefly stated, the English court of last resort has decided that the St. Lawrence can not be deepened, nor can power be developed from it without the consent of the Province of Quebec, and that Province has set its face resolutely against the deepening of the river and against the exporting to the United States of any power developed upon it. The position taken by the Province of Quebec is an insurmountable obstacle to the development of the St. Lawrence, and, determined to do so, that route can not be had.

It is an elementary principle of law both in Canada and the United States, and always has been, that the Province or State owns the beds of navigable rivers.

It is just as elementary in law that the waters of these same streams for the purposes of navigation belong to, and under the jurisdiction of, the Dominion of Canada and the Federal Government, respectively.

It is elementary, too, that the Federal and Dominion Governments have the right to take property either on the banks of the streams, or in the bed of the stream, for navigation—we call it the right of eminent domain.

Every lawyer knows these elementary principles of law. Mr. DEMPSEY is a lawyer. Why did he make the statement quoted from the CONGRESSIONAL RECORD?

Has Mr. DEMPSEY been fair to the press of New York State?

Has he been fair to his fellow Congressmen?

Has he been fair to the great Northwest, the great landlocked Northwest?

"NATIONAL DEFENSE"—A BOGUS ISSUE

Our New York opposition raises the question of "national defense" as a final and conclusive answer why United States money should not be used to develop the St. Lawrence River for navigation in Canadian territory.

It may be illuminating to analyze this matter of "national defense" in the light of established facts and history.

In the first place, the waters of the Great Lakes are international boundary line from a point on the northwest shore of Lake Superior down through and into the St. Lawrence for a distance of 113 miles. At this point the St. Lawrence River goes entirely over into Canadian territory. The treaty of 1871 has this to say about that part of the St. Lawrence River wholly in Canadian territory:

The navigation of the St. Lawrence River, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purpose of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada not inconsistent with such privilege of free navigation.

This provision in the treaty of 1871 is a renewal and confirmation of similar agreements maintained for the last 100 years. It is more than that. It is a right embedded in the treaty, granted for a consideration, and not a mere concession revocable at pleasure.

So long as this clause stands the navigation of the St. Lawrence by the United States vessels is not a matter of permission but of right.

In the second place, if we refuse or neglect now to enter into arrangements with Canada for this international development for navigation, what effect will it have on our status, our rights to use the river in case of war with some one other than Canada, in the light of the above?

Presumably the treaty rights would hold, but would we not be better fortified from the standpoint of navigation in case of war with some country other than Canada if we had actually joined in the development in this part of the river wholly in Canada?

It hardly seems that we are in a position to raise this issue of "national defense" with advantage to ourselves in the light of history. Treaties and precedent in this case make a safeguard for absolute reliance.

If "national defense" is to be an issue in this economic development, then let us rise above the local fog of New York and have a shipping way out to the sea that could be used in the event we have a worthy foe to combat on the field of battle.

In the case of war with Canada—unthinkable—but in such a case the whole matter of navigation of the Great Lakes would naturally and necessarily be destroyed at Niagara Falls. In case of war with any other country—this is remote—our commerce would go out to sea down the St. Lawrence over our own highway, ours by improvement and use as it has been by treaty and by precedent.

We have rights, privileges, and immunities in the whole St. Lawrence River secured by treaty and established by precedent. More property interests in the river on our part will tend

toward real "national defense" as well as lasting peace with our northern neighbor.

For commerce in time of peace the St. Lawrence River is the way. For commerce in time of war—any war that we might possibly be in—the St. Lawrence is the way.

Standing far off and viewing the New York Barge Canal impartially, it is easy to understand why that State desires to give it away; but please do not try to scare us in order to get the Federal Government to take it.

"National defense," from a United States standpoint, is not an issue in the problem of a way from the Great Lakes out to the sea.

THE TERM "ALL AMERICAN"

Mr. DEMPSEY's term "All American" is euphonious but bogus. It is all New York. It starts with a tollgate charge at Buffalo and ends with another tollgate charge at New York port.

It is a throttle on national growth and a drain on the National Treasury.

"All American" is a false appeal to sentiment, a trouble breeder, and unpatriotic. It starts in New York, ends in New York, and ignores the rest of the United States. "All American" was conceived in ignorance, born in selfishness, and is sustained in unmitigated gall. In the Detroit River the channel is ten times over on the Canadian side of the international boundary line and ten times over on the United States side of the line. Does Mr. DEMPSEY intend to dig a new channel up past Detroit wholly in United States territory? He does, or his "All American" is bunk.

You know how impractical such a thing would be. You know how silly it is to give utterance to such drivel. "All-American" is bogus, it is counterfeit, it is an insult to the intelligence of our people. Canada used the Detroit River during all the time before we got into the last war. Her ships were wholly on American soil 10 times on every trip up and down the Detroit River.

If the transportation problem was not so vital to 40,000,000 landlocked people—vital to their prosperity and growth—then this "all-American" thing would be a huge joke.

The term "all-American" is shoddy, counterfeit, blue sky, and promoted to sell, not to pay dividends to the landlocked people of the growing Northwest.

SAILING TIME

The important thing in water shipping is how long does it take to get from the starting place to destination. This is called sailing time.

Not how far, but how long, will it take to go is the question. A few extra hundred miles of distance does not count much, but restricted channel does count.

Mr. DEMPSEY said in a speech printed in the CONGRESSIONAL RECORD January 12, 1926:

The St. Lawrence will serve only our trade with Europe, while the all-American waterway will serve an infinitely more important commerce * * * the St. Lawrence is 2,000 miles longer, so utterly useless.

Let us analyze this statement. He concedes the St. Lawrence serves our European trade best. The same thing is true of southern Europe through Gibraltar. The St. Lawrence is the shortest way by 154 miles.

For eastern coast of South America—and that is where most of the South American trade is—the New York route is 564 miles shorter. This time is more than taken up getting through the New York ditch, bridges, and locks.

The sailing time down the St. Lawrence is shorter to eastern coast of South America than the New York route.

For the trade through the Panama Canal the mileage by the New York route is 1,320 miles shorter. The sailing time of the two routes is about the same. If anything, it is in favor of the St. Lawrence.

But do we ship the products of the farm to these destinations?

Then, of course, there is the Mississippi River, and the port of New Orleans, that takes care of this trade. Of course, New Yorkers think the whole country must use their port. The port of New Orleans is a fine gateway to the Panama Canal trade for the Great Lakes territory, and it is much less expensive and better equipped than New York port.

COMPARISON OF RATES FROM NEW YORK AND MONTREAL TO WORLD MARKETS

Two things govern in the movement of freight. First, what is the rate? Second, how long will it take to get to destination?

I have shown that in sailing time to world markets the St. Lawrence is the shortest to most points of importance and equal to all.

What is the rate? Mr. DEMPSEY says the St. Lawrence will not serve the Pacific coast trade or South America. Now, let us check him on this statement. Let us see what the real facts are:

Take lumber, for illustration. The all-water rate on lumber from Portland to Montreal via Panama Canal is now exactly the same as it is to New York, and this has been true for many years.

Mr. DEMPSEY boldly asserts the St. Lawrence will not serve, but it does now serve. Montreal has the same ocean rate as

New York. This rate is fact, against our New York friend's fiction.

Mr. DEMPSEY says our trade with South America is growing and the St. Lawrence will not serve this trade.

Let us go to the record again for facts. The rate from Montreal to all South American points is the same as the New York rate. No advantage in rate, no advantage in sailing time, but DEMPSEY is against the St. Lawrence, so he will crowd all the business through New York port regardless. Again it is cold fact against New York fiction.

Anyone knows it is much easier to get from Lake Ontario to Montreal down the St. Lawrence than it is to get from Lake Ontario to New York through any canal that could be built.

Ocean rates, mileage, etc., from north Atlantic ports to various sections of the world

From—	To—	Commodity	Rate	Mileage	Difference from Montreal	
					Miles	Days
New York.....	United Kingdom and Atlantic Europe (Liverpool).....	General cargo.....	75 cents per 100 pounds.....	3,578	500 less.....	1.7 less.
Montreal.....				3,207		
New York.....	Mediterranean ports (Gibraltar).....	do.....	80 cents per 100 pounds.....	3,714	43 less.....	
Montreal.....				3,671		
New York.....	India and East Indies (Bombay).....	do.....	\$14 per ton W/M.....	8,434	43 less.....	
Montreal.....				8,391		
New York.....	China and Japan (Hongkong).....	do.....	\$20 per ton W/M.....	2,911	1,366 more.....	4.7 more.
Montreal.....				14,277		
New York.....	Africa (Cape Town).....	do.....	\$10 per ton W/M.....	17,895	323 more.....	1.1 more.
Montreal.....				8,218		
New York.....	East coast South America (Pernambuco).....	do.....	\$18 per ton W/M.....	4,258	675 more.....	2.3 more.
Montreal.....				4,933		
New York.....	West Coast South America (Callao).....	do.....	\$18 per ton W/M.....	3,873	1,366 more.....	4.7 more.
Montreal.....				5,239		
New York.....	West Indies (Havana).....	do.....	\$7 per ton W/M.....	1,413	1,433 more.....	4.9 more.
Montreal.....				2,847		
New York.....	Australia (Sydney).....	do.....	\$24 per ton W/M.....	11,160	1,366 more.....	4.7 more.
Montreal.....				12,526		
Portland, Oreg.....	New York, Montreal.....	Lumber.....	\$10 per ton.....	6,778	do.....	Do
				8,144		

COMPARISON OF TONNAGE CAPACITY

Under the most favorable conditions of operation the theoretical capacity of the proposed New York ship canal is 30,000,000 tons annually, of 15,000,000 tons in one direction. The capacity of the St. Lawrence waterway is practically unlimited, because it is possible to add additional locks when those of the original plan have reached their full operating limit. The water supply of the entire Great Lakes system, as represented by a mean flow of 241,000 cubic feet per second at the foot of Lake Ontario, is available to meet the future needs of commerce and shipping.

Not so with the New York canal, however. Oneida Lake, when converted into a storage reservoir, can supply only about 1,100 cubic feet per second when evenly distributed throughout the season. The capacity of 15,000,000 tons in one direction is the fixed maximum which the expenditure of \$500,000,000 will make possible. Additional capacity on the St. Lawrence will involve only duplicate locks, while equivalent additional capacity on the New York canal will require not only duplicate locks but enormous expenditures for additional reservoirs to supply the additional water.

PROPOSED NEW YORK ROUTE NOW INADEQUATE

The inadequacy of this capacity will be evident from the statement that in 1924 the total grain moving down the Great Lakes was 15,222,787 tons, and the total shipped from upper Lake ports by both rail and water in 1923 was 589,008,180 bushels, or about 18,000,000 tons. This was greatly exceeded in 1924, and the statistics show a constant increase.

Not only would the capacity of the New York ship canal be insufficient for the total grain flow alone, if evenly distributed through the year, but it would fail utterly to meet the requirements of the peak period, occurring during the low-water season in the fall.

Mr. FREAR. Mr. Chairman, I have an amendment to offer which will help the amendment of the gentleman from New York. It seems to me that after 30 or 40 surveys we ought to have one really good survey, and this one that I have offered will make a part of his proposition a part of my entire waterway. I ask the Clerk to read it.

Mr. DEMPSEY. Mr. Chairman, I object to another amendment being considered until mine is disposed of.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were 114 ayes and 33 noes.

So the amendment was agreed to.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

Mr. DEMPSEY. Mr. Chairman, there are some other committee amendments there at the desk.

The CHAIRMAN. The amendment of the gentleman from Wisconsin will be deferred and the Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendment: Page 21, between lines 20 and 21 insert the following paragraph:

"Bellingham Harbor, Wash., with a view to improving Squallicum Creek waterway."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 17, between lines 19 and 20, insert the following paragraph:

"Deep Creek, N. C."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McDUFFIE. Mr. Chairman, may I ask to amend that amendment by inserting after the word "creek" the words "Washington County"?

The CHAIRMAN. Without objection, the action of the committee in agreeing to the amendment will be rescinded.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by inserting after the word "creek" the words "Washington County."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

Committee amendment: Page 20, after line 23, insert the following paragraph:

"For the further study of a deeper waterway connecting the Great Lakes with the Hudson River across the State of New York, and the said secretary shall report the result of said study to the Congress not later than December 6, 1926."

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. How does that differ from the previous amendment offered by the chairman of the committee?

Mr. SABATH. Mr. Chairman, I think that is the same amendment.

Mr. O'CONNOR of New York. I think that amendment has been voted on already.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent that the Clerk again report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. DEMPSEY. Mr. Chairman, that is not a committee amendment. The committee has already offered that amendment.

Mr. O'CONNOR of New York. Mr. Chairman, I would like to have it made certain from the Chair or from the chairman of the Committee on Rivers and Harbors that this identical amendment has been agreed to.

The CHAIRMAN. The Chair certainly can not give the gentleman information on that subject.

Mr. O'CONNOR of New York. Mr. Chairman, from the desk the Chairman ought to be able to ascertain whether this amendment has already been agreed to.

Mr. DEMPSEY. Mr. Chairman, through a mistake the secretary of the committee sent up two copies of the amendment. The first copy of the amendment did not conform to what I regarded the ruling of the Chair, and I drew a second amendment and had him prepare it and send it up. The amendment had already been adopted for the all-American waterways, and this is simply a repetition of that. I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Without objection, the gentleman from New York will withdraw his amendment.

Mr. SCHAFER. Mr. Chairman, I object to the withdrawal of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. FREAR: Following line 9, page 22, insert a new survey, as follows:

"An inland waterway from the headwaters of the Snake River to the headwaters of the Yellowstone River, thereby to connect the Pacific Ocean and all western ports via the Chicago Sewage Canal and the all-American Canal with the Atlantic Ocean and ocean ports.

"The Army Engineers are directed in making such survey to utilize so far as possible whatever additional water facilities are needed, including the driving of artesian wells where necessary and subjection of waters from Old Faithful and other geysers in the Yellowstone where practicable and the especial use of the siphon construction at Milan, Ill., at the entrance of the 32 locks in the Hennepin Canal together with the water powers and sanitary projects now or hereafter available along the Chicago Sewage Canal.

"Providing, That they shall report an available canalization scheme across the Rocky Mountains that will not cost to exceed \$1,000,000,000, and that the waterway from Oswego to New York City shall be provided with automobile trucks and adjacent railway facilities to care for commerce that the all-American waterway fails to handle.

Mr. McDUFFIE. Mr. Chairman, I make the point of order that that amendment is silly and foolish on its face.

The CHAIRMAN. The point of order is overruled.

Mr. O'CONNOR of New York. Mr. Chairman, I make the point of order that the amendment contains a reference to canals over which the committee has no jurisdiction.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. HUDSON) there were—ayes 14, noes 100.

So the amendment was rejected.

Mr. SCHAFER. Mr. Chairman, I have an amendment to offer, and I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER. Is it in order to debate my amendment which provides for a project for North Dakota which apparently has been overlooked in this pork-barrel bill.

The CHAIRMAN. Debate is out of order. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER: Page 22, line 9, after the word "Alaska," insert "Devils Lake, N. Dak."

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment—to insert after line 9, page 22, a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Insert after line 9, page 22, a new paragraph, as follows:

SEC. 5. Harbor of Refuge, Harbor Beach, Mich.: The Secretary of War, in his discretion, is hereby authorized to reopen the north entrance, heretofore closed in accordance with the act of Congress approved August 8, 1917.

Mr. CRAMTON. Mr. Chairman, I will only say—

The CHAIRMAN. The question is on the amendment, debate has been closed.

Mr. DEMPSEY. Mr. Chairman, the committee accepts the amendment, if the Chair pleases. It is in the interest of navigation.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken and the Chair announced the yeas seemed to have it.

On a division (demanded by Mr. CRAMTON) there were—ayes 44, noes 66.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. For surveys with a view to the formulation of general plans for the most effective improvement of the following streams for the purposes of navigation and the prosecution of such improvements in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation: Kennebec River; Connecticut River; Hudson River and tributaries; Winoski River; Raritan River; Delaware River and tributaries; James River and tributaries; Savannah River above Augusta; Chattahoochee River; Mobile River system, including the Coosa River and its tributaries; Wisconsin River; White River, Ark. and Mo.; Wabash River; Gasconade River; Cumberland River; Kanawha River; Maumee River; Yellowstone River; Big Fork River; St. Louis River; St. Joseph River; Sacramento and San Joaquin Rivers; Columbia River and tributaries; Snake River; and Snobomish River: *Provided*, That not to exceed \$500,000 shall be expended in the prosecution of the surveys provided for herein, which sum is hereby authorized to be appropriated.

Mr. MAPES. Mr. Chairman, I make the point of order against this section. The language—

The CHAIRMAN. Does the gentleman from New York concede the point of order?

Mr. DEMPSEY. I do not.

Mr. McDUFFIE. Mr. Chairman, I have a perfecting amendment to offer.

The CHAIRMAN. The point of order is pending. The Chair will hear the gentleman from New York on the point of order. The Chair does not care to hear the gentleman from Michigan.

Mr. DEMPSEY. Mr. Chairman, this section provides for surveys with a view to the formulation of general plans for the most effective improvement of the following streams for the purposes of navigation, and the prosecution of such improvements in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation. Now, it is quite true that when these improvements come in that power development, control of floods and certainly the needs of irrigation, certainly will go to different committees, but on the question of survey, which is an entirely practical question, any one of the committees would have jurisdiction.

It is just as easy to make a complete survey as it is to make a partial survey, and the Committee on Rivers and Harbors has jurisdiction of the question of navigation. This question has been dealt with here before the House, notably in the case of the Tennessee River. We have had that up repeatedly. The Committee on Rivers and Harbors has always dealt with it for the combined purposes of navigation and power, and that river has been surveyed at an expense of a half million dollars in pursuance of provisions of bills which were introduced and passed through the House from the Committee on Rivers and Harbors. While, as I say, any one of the committees would have jurisdiction, this committee has jurisdiction of the survey; and when the survey comes in with improvements for other purposes than navigation they will be distributed to committees in accordance with their jurisdiction.

Mr. CHINDBLOM. Will the gentleman yield for a suggestion?

Mr. DEMPSEY. I will.

Mr. CHINDBLOM. In the event it should be held that because there are incidental purposes mentioned, together with the main purpose of improving navigation, Congress might find itself in a position where no committee will be able to handle this legislation. Suppose the point of order was made on ac-

count of power, and it should go to the Interstate and Foreign Commerce Committee, and the point of order would be made because in connection with power development there is also navigation, we find ourselves with a project for which no committee would have jurisdiction, which, of course, would be a ridiculous interpretation of the rules of the House.

The CHAIRMAN. The Chair is ready to rule. The statement of the gentleman from Illinois [Mr. CHINDBLOM] with respect to incidental jurisdiction that is acquired by a committee by reference to it of legislation and its report is, of course, considered in the practice of the House; but this is original legislation proposed by the committee under its authority under clause 56 of the rules, and the precedents are unbroken and uniform that the committee may neither report legislation seeking either incidentally or entirely to provide for water power, control of floods, irrigation projects, or surveys looking to such projects. Therefore the Chair is constrained to hold the section out of order.

Mr. CHINDBLOM. Then we can not apply the rule of reason where there is original jurisdiction?

The CHAIRMAN. The decisions are uniform that where a committee exercises original jurisdiction it is held strictly to the limitations that hedge about its authority.

Mr. DEMPSEY. Mr. Chairman, I think the gentleman overlooks the fact that legislation passed by Congress, enforced for many years, has made it the duty of the engineers in reporting upon river and harbor improvement in every instance to report in connection therewith as to power development. It is their duty under the law. They always do it, and this law does not go one inch farther than the law requires them to go, and farther than they have always gone. It is the invariable practice, and a practice that they are bound to pursue in accordance with law.

While it is true, as the chairman has suggested, that there may be overlapping of jurisdiction and there may be instances where a matter can properly be referred to one of two committees, you can not always separate jurisdiction and take up a straight line and say that the jurisdiction must all be here or must all be there, yet the precedents have been that where it properly goes to one of a number of committees, it shall go to one of the number.

The CHAIRMAN. Here there is nothing that the committee originates on its own motion.

Mr. DEMPSEY. But just see how impossible any such ruling would make the condition in this country, how utterly ridiculous and futile a condition it would be placed in, and how small and narrow a view it would be to take, and how highly technical and unreasonable.

The CHAIRMAN. The Chair has ruled.

Mr. DEMPSEY. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from New York has appealed from the decision of the Chair. The question is, Shall the decision of the Chair be sustained as the judgment of the committee? As many as favor the decision of the Chair as the judgment of the committee will stand and be counted.

The question was taken.

Mr. DEMPSEY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 66, noes 84.

So the decision of the Chair as the judgment of the committee was rejected.

The CHAIRMAN. The decision of the Chair is not sustained as the judgment of the committee, and the point of order is overruled.

Mr. DEMPSEY. Mr. Chairman, I have sent a committee amendment to the Clerk's desk asking to strike out all of section 8. Under those circumstances, Mr. Chairman, it will not be necessary to have the section read.

The CHAIRMAN. Without objection, the reading of section 8 will be omitted, and the amendment will be reported in lieu of the section. Is there objection?

Mr. MAPES. Reserving the right to object, Mr. Chairman, I think section 8 is clearly subject to a point of order. If the gentleman from New York [Mr. DEMPSEY] will couple with his request unanimous consent that the section be stricken out, I shall not object.

Mr. SCHAFER. I object to the unanimous-consent request.

The CHAIRMAN. The Clerk will read the section.

Mr. McDUFFIE. Mr. Chairman, we have not left section 7 entirely. I had a perfecting amendment to present.

The CHAIRMAN. The Clerk will report it.

Mr. McDUFFIE. On page 22, line 20, the Mobile River system includes the rivers which are named in the amendment.

However, in order to have no controversy about the matter the committee authorized the insertion of those words.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 22, after the word "the" in line 20, strike out the words "Coosa River" and insert the words "Tombigbee, Warrior, and Coosa Rivers and their tributaries."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That the Secretary of War is authorized to allot from any funds hereafter appropriated by Congress for controlling the floods of the Mississippi River and continuing its improvement from the Head of Passes to Rock Island, Ill., and subject to the limitations imposed by an act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," such sums of money as he may deem equitable for the construction of flood-control works upon any part of the Illinois River between its mouth and the mouth of the Des Plaines River, and for levees upon any part of said river between its mouth and the Des Plaines River in such manner as in his opinion shall best improve navigation and promote the interest of commerce and protect said levees at all stages of the river. All moneys so allotted to be expended under the supervision of the Chief of Engineers.

Mr. MAPES. Mr. Chairman, I make a point of order against the section.

Mr. DEMPSEY. Mr. Chairman, I have an amendment pending at the desk.

The CHAIRMAN. A point of order takes precedence over an amendment. The gentleman from Michigan makes a point of order against section 8, and the Chair sustains the point of order.

Mr. DEMPSEY. Mr. Chairman, I consent that the section go out.

Mr. CRAMTON. Mr. Chairman, I move a vote of thanks to the gentleman.

The Clerk read as follows:

SEC. 9. That when bids are received in response to invitation by advertising or otherwise, subject to the right to reject any or all bids for reasons deemed by the purchasing or contracting officer to be sufficient, award shall be made to the lowest responsible bidder for the best and most suitable article, material, or service. The determination by the purchasing or contracting officer as to the propriety of rejecting any or all bids, or as to what constitutes the most advantageous and acceptable bid or bids in any case, when heretofore or hereafter approved by the Chief of Engineers, either specifically or by the approval of the money accounts in which payments for the work, articles, materials, or services are included, shall be final and conclusive on the accounting officials of the Government.

Mr. MAPES. Mr. Chairman, I make a point of order against the section. It is purely legislation.

The CHAIRMAN. The point of order that the section is legislation is not sufficient. It is legislation, however, not within the jurisdiction of the Committee on Rivers and Harbors, and for that reason the point of order is sustained.

Mr. McDUFFIE. But, Mr. Chairman, the gentleman from Michigan did not make that point of order.

The CHAIRMAN. When a point of order is made the Chair can consider all objections to the section, and in this instance the Chair has done that.

Mr. MAPES. Mr. Chairman, on account of the lateness of the hour, I was brief in making my point of order.

Mr. DEMPSEY. I take it, Mr. Chairman, the ground is that it is not restricted to rivers' and harbors' work?

The CHAIRMAN. Yes; that is the reason. It deals with subjects and activities entirely foreign to the jurisdiction of the Committee on Rivers and Harbors.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent that the Clerk be empowered to renumber the sections of the bill in accordance with the changes that have been made by the committee.

The CHAIRMAN. Without objection, that will be done.

Mr. SCHAFER. Mr. Chairman, I object to the unanimous-consent request.

Mr. DEMPSEY. Mr. Chairman, I move that the Clerk be empowered to make those corrections.

The CHAIRMAN. Notwithstanding the objection the Clerk will make the necessary corrections by direction of the Chair.

Mr. DEMPSEY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, Speaker pro tempore, having assumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DEMPSEY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER pro tempore. The previous question is ordered by the rule.

ADJOURNMENT

Mr. DEMPSEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 1 minute a. m.) the House adjourned to meet Friday, June 4, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 4, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Second deficiency bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To regulate the distribution and promotion of commissioned officers of the line of the Navy (H. R. 11524).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 11212).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 11384).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

For the relief of the Polish-American Navigation Corporation (H. R. 8574).

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

EXECUTIVE COMMUNICATIONS, ETC.

547. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1926, for the War Department for contingent expenses, \$18,000 (H. Doc. No. 414), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 183. An act to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.; without amendment (Rept. No. 1356). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 11948. A bill to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; without amendment (Rept. No. 1357). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Virginia: Committee on Foreign Affairs. H. R. 12495. A bill to regulate the issue and validity of passports, and for other purposes; without amendment (Rept. No. 1358). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 8954. A bill to amend section 4 of the public buildings act of March 4, 1913; with amendment (Rept. No. 1359). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. H. R. 12393. A bill to amend section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920"; with amendment (Rept. 1360). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12533. A bill to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims; without amendment (Rept. No. 1361). Referred to the Committee of the Whole House on the state of the Union.

Mr. STOBBS: Committee on the Judiciary. H. Con. Res. 27. A concurrent resolution requesting the President to proclaim Armistice Day a day of thanksgiving and prayer for peace; without amendment (Rept. No. 1362). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 4331. An act prohibiting an appeal to the Court of Appeals of the District of Columbia from any interlocutory order in a criminal action; without amendment (Rept. No. 1363). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10739. A bill to prevent purchase and sale of public office; with amendment (Rept. No. 1366). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 11765. A bill to provide for the collection and publication of statistics of tobacco by the Department of Agriculture; with amendment (Rept. No. 1367). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Maryland: Committee on Military Affairs. S. 3921. An act authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said the National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers; with amendment (Rept. No. 1368). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. H. R. 11617. A bill to amend and clarify existing laws relating to the powers and duties of the auditor for the Philippine Islands; with amendment (Rept. No. 1369). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. H. R. 12269. A bill to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of three new sections in said act between sections 5 and 6, sections 20 and 21, and sections 41 and 42 of said act, to be designated as "5a" and "20a" and "41a" of said act; with amendment (Rept. No. 1370). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11422. A bill to amend the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce"; with amendment (Rept. No. 1371). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. S. J. Res. 25. A joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam; without amendment (Rept. No. 1372). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 274. A resolution directing the Secretary of the Treasury to furnish certain information to the House of Representatives; adverse (Rept. No. 1373). Laid on the table.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 1828. An act for the relief of Lieut. (J. G.) Thomas J. Ryan, United States Navy; without amendment (Rept. No. 1364). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5866. A bill for the relief of the Lehigh Coal & Navigation Co.; without amendment (Rept. No. 1365). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (H. R. 4277) for the relief of John Kreamer, E. H. Schweppe, Richard Kiessling, and William Claviter, bondsmen of Hugo Stamm, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BULWINKLE: A bill (H. R. 12592) to provide for the inspection of the battle field of Kings Mountain, S. C.; to the Committee on Military Affairs.

By Mr. STEVENSON: A bill (H. R. 12593) to provide for the inspection of the battle field of Kings Mountain, S. C.; to the Committee on Military Affairs.

By Mr. BERGER: A bill (H. R. 12594) to establish a minimum wage for all civilian employees of the Federal Government; to the Committee on the Civil Service.

By Mr. HAYDEN: A bill (H. R. 12595) to authorize a revision of the Handbook of American Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 12596) to authorize the leasing of unallotted irrigable land on Indian reservations; to the Committee on Indian Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 12597) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. HAYDEN: A bill (H. R. 12598) providing for an appropriation to eradicate the Thurberia cotton-boll weevil; to the Committee on Appropriations.

By Mr. ZIHLMAN: A bill (H. R. 12599) to authorize the granting of leave to ex-service men and women employed in the municipal government of the District of Columbia to attend the annual convention of the American Legion in Paris, France, in 1927; to the Committee on the District of Columbia.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 271) for the purpose of providing transportation at cost for the return to the United States of alien veterans of the World War; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Colorado: Resolution (H. Res. 278) requesting the United States Tariff Commission to investigate the cost of production of onions in the United States and in principal onion-producing countries, and to report its findings to the President of the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANFIELD: A bill (H. R. 12600) granting a pension to Mary J. McNew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12601) granting an increase of pension to William Stewart; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 12602) granting a pension to Orlena Francis; to the Committee on Invalid Pensions.

By Mr. CHRISTOPHERSON: A bill (H. R. 12603) granting an increase of pension to Rebecca K. Pope; to the Committee on Invalid Pensions.

By Mr. DOUGLASS: A bill (H. R. 12604) for the relief of James H. McCormick; to the Committee on Naval Affairs.

Also, a bill (H. R. 12605) for the relief of James H. McCormick; to the Committee on Claims.

By Mr. FAIRCHILD: A bill (H. R. 12606) Granting an increase of pension to Caroline A. Van Pelt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12607) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Antonio De Palma; to the Committee on Claims.

Also, a bill (H. R. 12608) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Vincenza Valenti; to the Committee on Claims.

Also, a bill (H. R. 12609) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Joseph Piccinini; to the Committee on Claims.

Also, a bill (H. R. 12610) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Batista Morandi; to the Committee on Claims.

Also, a bill (H. R. 12611) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Battisto Flaccadori; to the Committee on Claims.

Also, a bill (H. R. 12612) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of S. Maraventano; to the Committee on Claims.

Also, a bill (H. R. 12613) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Antonio Libertello; to the Committee on Claims.

Also, a bill (H. R. 12614) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Walter Cooper; to the Committee on Claims.

By Mr. HASTINGS: A bill (H. R. 12615) granting an increase of pension to Betsy Swimmer; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12616) granting an increase of pension to Mary A. Hern; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 12617) granting an increase of pension to Elizabeth Hugh; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 12618) granting an increase of pension to Berintha Hancock; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 12619) for the relief of the owner of the barge *Albany*; to the Committee on Claims.

Also, a bill (H. R. 12620) for the relief of the owner of the barge *Katie Tracy*; to the Committee on Claims.

Also, a bill (H. R. 12621) for the relief of the owner of the scow *Sisters*; to the Committee on Claims.

Also, a bill (H. R. 12622) for the relief of the owner of the derrick lighter *November*; to the Committee on Claims.

Also, a bill (H. R. 12623) for the relief of the owner of the steamer *Squantum*; to the Committee on Claims.

Also, a bill (H. R. 12624) for the relief of the owner of the barge *Dunmore*; to the Committee on Claims.

Also, a bill (H. R. 12625) for the relief of the owner of the scow *65-H*; to the Committee on Claims.

Also, a bill (H. R. 12626) for the relief of the owner of the steam lighter *Victor T.*; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 12627) granting an increase of pension to Mary Buckmaster; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12628) granting an increase of pension to Salina Wilt; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 12629) for the relief of Dewey Tipton Jones; to the Committee on Naval Affairs.

By Mr. SCOTT: A bill (H. R. 12630) granting an increase of pension to Julia E. Wood; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12631) granting an increase of pension to Hannah Barrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12632) granting a pension to Josephine Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12633) granting an increase of pension to Adella C. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12634) granting an increase of pension to Martha J. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12635) granting an increase of pension to Emma Furey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12636) granting an increase of pension to Armenia A. Paris; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 12637) granting an increase of pension to Elizabeth H. Spain; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12638) granting a pension to Caroline Ryan; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 12639) granting an increase of pension to Louisa Stottmeister; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: Joint resolution (H. J. Res. 270) providing for the recognition of Augustus C. Breitenstein as the inventor of the Breitenstein ultra-violet and infra-red ray generating and reflecting apparatus, and for other purposes; to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2335. By Mr. BOYLAN: Letter from chairman, Special Committee on Retirement, Postal Employees Joint Committee, Brooklyn, N. Y., urging the passage of retirement legislation; to the Committee on the Civil Service.

2336. Also, resolution adopted at the last regular meeting of the Flatbush Chamber of Commerce, Brooklyn, N. Y., in reference to the Bicentennial International Exposition of 1932 in honor of the two hundredth anniversary of the birth of George Washington; to the Committee on Industrial Arts and Expositions.

2337. By Mr. CULLEN: Resolution of the Flatbush Chamber of Commerce, in reference to the Bicentennial International Exposition of 1932 in honor of the two hundredth anniversary of the birth of George Washington; to the Committee on Industrial Arts and Expositions.

2338. By Mr. ROY G. FITZGERALD: Petition of Disabled American Veterans of the World War, District of Columbia Department, urging passage of House bill 4548 for the retirement of emergency Army officers of the World War, disabled 30 per cent or more in line of duty; to the Committee on World War Veterans' Legislation.

2339. By Mr. GALLIVAN: Petition of Massachusetts Society Sons of the American Revolution, Walter K. Watkins, secretary, 9 Ashburton Place, Boston, Mass., urging upon Congress the necessity of providing adequate national defense; to the Committee on Military Affairs.

2340. By Mr. LAGUARDIA: Resolution of the Disabled American Veterans, Syracuse Chapter No. 8, for the modification of the Volstead Act; to the Committee on the Judiciary.

2341. By Mr. MAPES: Petition of Mr. M. A. Benjamin and nine other adult residents of Grand Rapids, Mich., and vicinity protesting against the enactment by Congress of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2342. By Mr. O'CONNELL of New York: Petition of the Flatbush Chamber of Commerce, Brooklyn, N. Y., favoring Marine Park, New York City, as a suitable site for the celebration to commemorate the two hundredth anniversary of the birth of George Washington in 1932; to the Committee on Industrial Arts and Expositions.

2343. By Mr. O'CONNOR of New York: Petition of the Flatbush Chamber of Commerce, New York City, representative of approximately 1,600 members, in reference to the Bicentennial International Exposition of 1932 in honor of the two hundredth anniversary of the birth of George Washington; to the Committee on Industrial Arts and Expositions.

2344. By Mr. STRONG of Pennsylvania: Petition of citizens of Parkers Landing, Pa., in favor of legislation to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

SENATE

FRIDAY, June 4, 1926

Prebendary Wilson Carlile, C. H., D. D., of the Church Army Headquarters, Marble Arch, London, W., England, offered the following prayer:

Almighty God, with praise and thanksgiving for all Thy gracious mercies vouchsafed to this great Nation, grant that the deliberations of the Senate may always continue to be so inspired and directed by Thee that righteousness and prosperity may be enjoyed at home and all the peoples of the earth may be blessed with lasting peace and good will. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. TYSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McLean	Schall
Bayard	Gerry	McMaster	Sheppard
Bingham	Gillett	McNary	Shipstead
Blease	Glass	Mayfield	Shortridge
Borah	Goff	Means	Simmons
Bratton	Gooding	Metcalf	Smoot
Bruce	Greene	Neely	Stanfield
Butler	Hale	Norbeck	Steck
Capper	Harrell	Norris	Stephens
Caraway	Harris	Oddle	Swanson
Copeland	Harrison	Overman	Trammell
Couzens	Hellin	Pepper	Tyson
Cummins	Howell	Phipps	Underwood
Curtis	Johnson	Pine	Wadsworth
Deneen	Jones, N. Mex.	Pittman	Walsh
Dill	Jones, Wash.	Ransdell	Warren
Edge	Kendrick	Reed, Mo.	Watson
Ernst	King	Reed, Pa.	Weller
Ferris	La Follette	Robinson, Ark.	Wheeler
Fess	Lenroot	Robinson, Ind.	Williams
Frazier	McKellar	Sackett	Willis

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 565. An act limiting the creation or extension of forest reserves in New Mexico and Arizona;

S. 674. An act granting certain lands to the city of Kaysville, Utah, to protect the watershed of the water-supply system of said city;

S. 2703. An act to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes;

S. 3072. An act to authorize an exchange of lands between the United States and the State of Nevada;

S. 3268. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Bowdoin, Mont.;

S. 4055. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 4261. An act relating to patents issued pursuant to decrees of the Court of Private Land Claims;

S. J. Res. 46. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object and to the enactment of such laws and regulations as may be necessary to carry the same into effect;

H. R. 3446. An act for the relief of Ulric O. Thynne; and

H. R. 5507. An act for the relief of Agnes M. Harrison, post-mistress at Wheeler, Miss.

PETITIONS

Mr. SHEPPARD. Mr. President, in the nature of a petition I submit a resolution on prohibition adopted by the general conference of the Methodist Episcopal Church South and ask that it be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Action taken by general conference of the Methodist Episcopal Church South, in session at Memphis, Tenn., May 11, 1926

The rules were suspended and the secretary read report No. 3 from the commission on temperance and social service, as follows:

"The opponents of the national prohibition law recognize that the repeal of the eighteenth amendment is not a possibility for many years to come. The dry sections of the country having secured for themselves protection from the wet sections by branding the liquor traffic as a national outlaw, will not surrender that constitutional protection for their people, even though the wet sections should become hotbeds of lawlessness because of the refusal of State and city officials to co-operate with the Federal Government in the enforcement of the prohibition law, which all such officials are pledged to do by their oath of office, to maintain the Constitution of the United States. The attacks of the enemies of prohibition, therefore, are centered upon the prohibition-enforcement code, commonly called the Volstead law, and the